

UNOFFICIAL VERSION

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MONDAY, APRIL 17, 2017

TWENTY-SIXTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker McNally.

PRESENTATION

Senator Norris introduced the Tennessee Society Sons of the American Revolution who presented the colors.

PRAYER

The proceedings were opened with prayer by Senator Green.

PLEDGE OF ALLEGIANCE

Senator Norris led the Senate in the Pledge of Allegiance to the Flag.

SALUTE TO THE FLAG OF TENNESSEE

Senator Norris led the Senate in the Salute to the Flag of Tennessee.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

COMMUNICATION

Monday, April 18, 2017

Lieutenant Governor Randy McNally
301 6th Avenue North, Suite 1 Legislative Plaza
Nashville, TN 37243

Dear Lieutenant Governor McNally:

Please excuse my absence from Session this week (Monday, April 17 through Thursday, April 19, 2017). I am requesting this excused absence due to a medical emergency that required me to stay in the district.

Thank you for your time and consideration.

Best regards,

/s/ Steve Southerland

APPROVED: Lieutenant Governor
Randy McNally

STANDING COMMITTEE REPORT

TRANSPORTATION AND SAFETY

MR. SPEAKER: Your Committee on Transportation and Safety begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 172 with amendment, 954 with amendment, 1082, 1109 with amendment, 1345 with amendment, 1348 with amendment and 1355 with amendment; also, recommend that Senate Bills Nos. 151 with amendment, 251, 270 with amendment, 317 with amendment, 318 with amendment and 1352 with amendment be referred to Committee on Finance, Ways and Means.

BAILEY, Chairperson
April 17, 2017

The Speaker announced that he had referred Senate Bills Nos. 172 with amendment, 954 with amendment, 1082, 1109 with amendment, 1345 with amendment, 1348 with amendment and 1355 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 151 with amendment, 251, 270 with amendment, 317 with amendment, 318 with amendment and 1352 with amendment to the Committee on Finance, Ways and Means.

PRESENTATION

Senator Green presented **Senate Joint Resolution No. 80** to the Clarksville Association for Down Syndrome.

MR. SPEAKER McNALLY RELINQUISHES CHAIR

Mr. Speaker McNally relinquished the Chair to Senator Bell.

SPEAKER RESUMES CHAIR

Mr. Speaker McNally resumed the Chair.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 64, 434, 531, 584, 585, 922, 1373 and 1416** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 64 -- Education, Higher -- As introduced, requires that nominees for student member on the Tennessee higher education commission be submitted to the governor by March 15 instead of April 15. Amends TCA Title 49.

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House Bill No. 434 -- Orders of Protection -- As introduced, requires a divorce court that modifies or makes an existing order of protection part of the divorce decree to issue a separate order of protection; requires the clerk to send a copy of the order to the petitioner, respondent, and the law enforcement agency. Amends TCA Title 36, Chapter 3, Part 6.

House Bill No. 531 -- Lottery, Scholarships and Programs -- As introduced, enacts the Tennessee reconnect grant. Amends TCA Title 49, Chapter 4, Part 9.

House Bill No. 584 -- TennCare -- As introduced, authorizes the TennCare program to provide medical assistance for language interpreter services. Amends TCA Title 71, Chapter 5.

House Bill No. 585 -- Taxes, Exemption and Credits -- As introduced, exempts a nonprofit educational institution from property taxes, under certain circumstances. Amends TCA Section 67-5-212.

House Bill No. 922 -- Public Employees -- As introduced, changes from three days to three business days the amount of time between the deduction from the salaries of participating county employees and officials of an amount sufficient to pay the county's portion of insurance premiums and the deposit of such moneys into the county insurance fund. Amends TCA Title 8.

House Bill No. 1373 -- Pensions and Retirement Benefits -- As introduced, establishes pension stabilization reserve trusts for the hybrid and legacy retirement plans; makes other related changes. Amends TCA Title 8, Chapter 36, Part 9 and Title 9, Chapter 4.

House Bill No. 1416 -- Gibson County -- Subject to local approval, increases the wheel tax on motor vehicles from a maximum of \$10.00 to an amount equal to \$50.00, and imposes a wheel tax on motorcycles in the amount of \$15.00; allocates the revenue to the Gibson County Highway Department. Amends Chapter 1 of the Private Acts of 1975.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 1455 through 1463** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

Senate Bill No. 1455 Local bill -- held on desk.

Senate Bill No. 1456 Local bill -- held on desk.

Senate Bill No. 1457 Local bill -- held on desk.

Senate Bill No. 1458 Local bill -- held on desk.

Senate Bill No. 1459 Local bill -- held on desk.

Senate Bill No. 1460 Local bill -- held on desk.

Senate Bill No. 1461 Local bill -- held on desk.

Senate Bill No. 1462 Local bill -- held on desk.

Senate Bill No. 1463 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 332 through 336** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 332 by Senator Haile.

Memorials, Academic Achievement -- Alexa Brooke McCormick, Valedictorian, Westmoreland High School.

Senate Joint Resolution No. 333 by Senator Haile.

Memorials, Academic Achievement -- Tammy Sueann Wheeley, Salutatorian, Westmoreland High School.

Senate Joint Resolution No. 334 by Senator Haile.

Memorials, Academic Achievement -- Lucas Wayne Garrison, Valedictorian, Westmoreland High School.

Senate Joint Resolution No. 335 by Senator Haile.

Memorials, Academic Achievement -- Tanner Henry Tanguis, Valedictorian, Westmoreland High School.

Senate Joint Resolution No. 336 by Senator Haile.

Memorials, Academic Achievement -- Kiersten Shanay Maxwell, Valedictorian, Westmoreland High School.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 263 through 287; Senate Joint Resolutions Nos. 315 through 331; and Senate Resolutions Nos. 59 through 67** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 263 -- Memorials, Death -- Margaret Ann Robinson.

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The Speaker announced that he had referred House Joint Resolution No. 263 to the Committee on Calendar.

House Joint Resolution No. 264 -- Memorials, Recognition -- University of Tennessee College of Law Legal Clinic, 70th Anniversary.

The Speaker announced that he had referred House Joint Resolution No. 264 to the Committee on Calendar.

House Joint Resolution No. 265 -- Memorials, Recognition -- Ledyard D. Gardner, Jr.

The Speaker announced that he had referred House Joint Resolution No. 265 to the Committee on Calendar.

House Joint Resolution No. 266 -- Memorials, Recognition -- Specialist Benjamin David Leftrick, Tennessee Army National Guard.

The Speaker announced that he had referred House Joint Resolution No. 266 to the Committee on Calendar.

House Joint Resolution No. 267 -- Memorials, Sports -- Soddy Daisy High School Cheerleaders.

The Speaker announced that he had referred House Joint Resolution No. 267 to the Committee on Calendar.

House Joint Resolution No. 268 -- Memorials, Recognition -- Jan Moses, 2017 Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 268 to the Committee on Calendar.

House Joint Resolution No. 269 -- Memorials, Recognition -- Linda Mines, 2017 Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 269 to the Committee on Calendar.

House Joint Resolution No. 270 -- Memorials, Recognition -- Donna McConnico, 2017 Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 270 to the Committee on Calendar.

House Joint Resolution No. 271 -- Memorials, Recognition -- Dionne Jennings, 2017 Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 271 to the Committee on Calendar.

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House Joint Resolution No. 272 -- Memorials, Recognition -- Marj Flemming, 2017 Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 272 to the Committee on Calendar.

House Joint Resolution No. 273 -- Memorials, Recognition -- Sharon Braden, 2017 Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 273 to the Committee on Calendar.

House Joint Resolution No. 274 -- Memorials, Recognition -- Phoebe Anne Warren, 2017 Young Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 274 to the Committee on Calendar.

House Joint Resolution No. 275 -- Memorials, Recognition -- Sydney Elizabeth Tindall, 2017 Young Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 275 to the Committee on Calendar.

House Joint Resolution No. 276 -- Memorials, Recognition -- Shailey Shah, 2017 Young Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 276 to the Committee on Calendar.

House Joint Resolution No. 277 -- Memorials, Recognition -- Holly Warlick, 2017 Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 277 to the Committee on Calendar.

House Joint Resolution No. 278 -- Memorials, Recognition -- Linda Hisey, 2017 Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 278 to the Committee on Calendar.

House Joint Resolution No. 279 -- Memorials, Recognition -- Rachel Schulson, 2017 Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 279 to the Committee on Calendar.

House Joint Resolution No. 280 -- Memorials, Recognition -- Catherine Elton Barker, 2017 Woman of Distinction.

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The Speaker announced that he had referred House Joint Resolution No. 280 to the Committee on Calendar.

House Joint Resolution No. 281 -- Memorials, Recognition -- Cindy Todd, 2017 Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 281 to the Committee on Calendar.

House Joint Resolution No. 282 -- Memorials, Recognition -- Ginny "Mary" Young, 2017 Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 282 to the Committee on Calendar.

House Joint Resolution No. 283 -- Memorials, Recognition -- Savannah Raymond, 2017 Young Woman of Distinction.

The Speaker announced that he had referred House Joint Resolution No. 283 to the Committee on Calendar.

House Joint Resolution No. 284 -- Memorials, Sports -- Kalani Sitake.

The Speaker announced that he had referred House Joint Resolution No. 284 to the Committee on Calendar.

House Joint Resolution No. 285 -- Memorials, Academic Achievement -- Judy Taylor, Salutatorian, Ooltewah High School.

The Speaker announced that he had referred House Joint Resolution No. 285 to the Committee on Calendar.

House Joint Resolution No. 286 -- Memorials, Academic Achievement -- Madison Taylor Smith, Valedictorian, Ooltewah High School.

The Speaker announced that he had referred House Joint Resolution No. 286 to the Committee on Calendar.

House Joint Resolution No. 287 -- Memorials, Recognition -- Casey L. Hood.

The Speaker announced that he had referred House Joint Resolution No. 287 to the Committee on Calendar.

Senate Joint Resolution No. 315 -- Memorials, Recognition -- David M. Tomlinson, Wilson County Agricultural Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 315 to the Committee on Calendar.

Senate Joint Resolution No. 316 -- Memorials, Recognition -- Dr. Sam McFarland, Wilson County Agricultural Hall of Fame.

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The Speaker announced that he had referred Senate Joint Resolution No. 316 to the Committee on Calendar.

Senate Joint Resolution No. 317 -- Memorials, Recognition -- A.C. Wharton, Wilson County Agricultural Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 317 to the Committee on Calendar.

Senate Joint Resolution No. 318 -- Memorials, Recognition -- Hale Moss, Wilson County Agricultural Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 318 to the Committee on Calendar.

Senate Joint Resolution No. 319 -- Memorials, Recognition -- TriStar Health.

The Speaker announced that he had referred Senate Joint Resolution No. 319 to the Committee on Calendar.

Senate Joint Resolution No. 320 -- Memorials, Recognition -- Tennessee Association of Utility Districts, 60th Anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 320 to the Committee on Calendar.

Senate Joint Resolution No. 321 -- Memorials, Interns -- Loren Bree Kirkland.

The Speaker announced that he had referred Senate Joint Resolution No. 321 to the Committee on Calendar.

Senate Joint Resolution No. 322 -- Memorials, Recognition -- "Rocky Top" song, 50th Anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 322 to the Committee on Calendar.

Senate Joint Resolution No. 323 -- Memorials, Recognition -- Emerald Youth Foundation, 25th Anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 323 to the Committee on Calendar.

Senate Joint Resolution No. 324 -- Memorials, Recognition -- Hope Resource Center, 20th Anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 324 to the Committee on Calendar.

Senate Joint Resolution No. 325 -- Memorials, Death -- Robert Fletcher Worthington, Jr.

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The Speaker announced that he had referred Senate Joint Resolution No. 325 to the Committee on Calendar.

Senate Joint Resolution No. 326 -- Memorials, Academic Achievement -- Nick Ehrhart, Salutatorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 326 to the Committee on Calendar.

Senate Joint Resolution No. 327 -- Memorials, Academic Achievement -- Emily Spence, Valedictorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 327 to the Committee on Calendar.

Senate Joint Resolution No. 328 -- Memorials, Academic Achievement -- Joshua Sheldon Murphy, Salutatorian, Gordonsville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 328 to the Committee on Calendar.

Senate Joint Resolution No. 329 -- Memorials, Academic Achievement -- Hannah Oniea Bingham, Valedictorian, Gordonsville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 329 to the Committee on Calendar.

Senate Joint Resolution No. 330 -- Memorials, Interns -- Rebecca Thomason.

The Speaker announced that he had referred Senate Joint Resolution No. 330 to the Committee on Calendar.

Senate Joint Resolution No. 331 -- Memorials, Interns -- Caitlin E. Henderson.

The Speaker announced that he had referred Senate Joint Resolution No. 331 to the Committee on Calendar.

Senate Resolution No. 59 -- Memorials, Interns -- Jodi Shockney.

The Speaker announced that he had referred Senate Resolution No. 59 to the Committee on Calendar.

Senate Resolution No. 60 -- Memorials, Interns -- Logan Kesel.

The Speaker announced that he had referred Senate Resolution No. 60 to the Committee on Calendar.

Senate Resolution No. 61 -- Memorials, Academic Achievement -- Dillon Garen Graves, Salutatorian, East Hickman High School.

The Speaker announced that he had referred Senate Resolution No. 61 to the Committee on Calendar.

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Senate Resolution No. 62 -- Memorials, Academic Achievement -- Bailey Hunter Krebs, Valedictorian, East Hickman High School.

The Speaker announced that he had referred Senate Resolution No. 62 to the Committee on Calendar.

Senate Resolution No. 63 -- Memorials, Academic Achievement -- Carly Jordan Baldwin, Salutatorian, Harpeth High School.

The Speaker announced that he had referred Senate Resolution No. 63 to the Committee on Calendar.

Senate Resolution No. 64 -- Memorials, Academic Achievement -- Tristan Addisson Davenport, Valedictorian, Harpeth High School.

The Speaker announced that he had referred Senate Resolution No. 64 to the Committee on Calendar.

Senate Resolution No. 65 -- Memorials, Recognition -- Tennessee Bun Company, 20th Anniversary.

The Speaker announced that he had referred Senate Resolution No. 65 to the Committee on Calendar.

Senate Resolution No. 66 -- Memorials, Academic Achievement -- Anna Pearson, Salutatorian, Cheatham County Central High School.

The Speaker announced that he had referred Senate Resolution No. 66 to the Committee on Calendar.

Senate Resolution No. 67 -- Memorials, Academic Achievement -- Tiffany Smith, Valedictorian, Cheatham County Central High School.

The Speaker announced that he had referred Senate Resolution No. 67 to the Committee on Calendar.

NOTICES

THE TENNESSEE COMMISSION ON CHILDREN AND YOUTH'S ANNUAL REPORT

The report was received and filed with the Clerk.

MESSAGE FROM THE HOUSE

April 13, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 16. The House nonconcurred in Senate Amendment No. 1.

TAMMY LETZLER,
Chief Clerk

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MESSAGE FROM THE HOUSE

April 13, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 671. The House nonconcurred in Senate Amendment No. 3.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 13, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 442, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 314 -- Memorials, Recognition -- St. Paul's Episcopal Church, 125th Anniversary.

House Joint Resolution No. 252 -- Memorials, Sports -- Summertown High School girls' basketball team.

House Joint Resolution No. 253 -- Memorials, Retirement -- Dianne Kirk.

House Joint Resolution No. 254 -- Memorials, Sports -- Clay County High School Bulldog basketball team.

House Joint Resolution No. 255 -- Memorials, Personal Occasion -- Mary Emma Reneau, 100th Birthday.

House Joint Resolution No. 256 -- Memorials, Professional Achievement -- Mark Labig, 2017 Jefferson County Teacher of the Year, 9th-12th grade.

House Joint Resolution No. 257 -- Memorials, Professional Achievement -- Mary John Wilson, 2017 Jefferson County Teacher of the Year, 5th-8th grade.

House Joint Resolution No. 258 -- Memorials, Professional Achievement -- Jessica Willings, 2017 Jefferson County Teacher of the Year, PreK-4th grade.

House Joint Resolution No. 259 -- Memorials, Recognition -- Clarksville Rotary Club, 100th Anniversary.

House Joint Resolution No. 260 -- Memorials, Death -- Barbara Rodgers Alston.

House Joint Resolution No. 261 -- Memorials, Death -- Rosetta Leteria Dover.

House Joint Resolution No. 262 -- Memorials, Recognition -- The Lee Sisters of Memphis.

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Senator Massey moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbro and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 279 -- Statutes of Limitations and Repose -- As introduced, limits any action to recover damages against a real estate appraiser arising out of the appraiser's real estate appraisal activity to being brought within one year from a person's discovery of the act or omission giving rise to the action; limits any disciplinary action against a real estate appraisal by the Board of Real Estate Appraisers from three years from the date the appraisal was completed. Amends TCA Title 28 and Title 62, Chapter 39.

On motion, Senate Bill No. 279 was made to conform with **House Bill No. 376**.

On motion, House Bill No. 376, on same subject, was substituted for Senate Bill No. 279.

Senate Bill No. 302 -- Taxes, Business -- As introduced, clarifies that the bail bonds tax collected by a bail bondsman shall be excluded from the total gross sales reported on business tax returns or deducted from the gross sales reported. Amends TCA Section 67-4-711.

On motion, Senate Bill No. 302 was made to conform with **House Bill No. 646**.

On motion, House Bill No. 646, on same subject, was substituted for Senate Bill No. 302.

Senate Bill No. 311 -- Juvenile Offenders -- As introduced, permits juvenile court to transfer a juvenile under 16 years of age to a criminal court of competent jurisdiction to be tried as an adult for committing an act of terrorism. Amends TCA Section 37-1-134 and Title 39, Chapter 13, Part 8.

Senator Massey moved that all Senate and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbro and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

CALENDAR

Senator Dickerson moved that **Senate Bill No. 51** be moved two places down on the Calendar for today, which motion prevailed.

Senate Bill No. 298 -- Physicians and Surgeons -- As introduced, prohibits certain adverse actions against a physician on the basis of the physician's failure to maintain specialty board certification or maintenance of licensure under a framework established by the Federation of State Medical Boards. Amends TCA Title 33; Title 56, Chapter 7; Title 63, Chapter 6; Title 63, Chapter 9 and Title 68.

Senator Dickerson declared Rule 13 on **Senate Bill No. 298**.

Senator Overbey declared Rule 13 on **Senate Bill No. 298**.

Senator Green declared Rule 13 on **Senate Bill No. 298**.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate medical education required by the board of medical examiners intended to provide medical professionals with knowledge of new developments or reinforcement of previously learned information in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations or other activities to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing or requirements other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires additional examinations other than the board of medical examiners' requirements to practice medicine.

(b) The board shall not deny a physician licensure based on a physician's non-participation in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. The board's regular requirements, including continuing medical education, demonstrate professional competency.

(c) The board shall not require any form of specialty medical board recertification or any maintenance of certification to practice medicine in this state.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 9, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate medical education required by the board of osteopathic medical examination intended to provide medical professionals with knowledge of new developments or reinforcement of previously learned information in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations or other activities to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing or requirements other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires additional examinations other than the board of osteopathic examination's requirements to practice medicine.

(b) The board shall not deny a physician licensure based on a physician's non-participation in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. The board's regular requirements, including continuing medical education, demonstrate professional competency.

(c) The board shall not require any form of specialty medical board recertification or any maintenance of certification to practice medicine in this state.

SECTION 3. (a) There is appointed a task force to study the issues created by the maintenance of certification process for Tennessee physicians.

(b) The chairs of the health committee of the house of representatives and the commerce and labor committee of the senate shall appoint three (3) members each to the task force. The most senior member of the task force shall serve as chair.

(c) Representatives from hospitals, the insurance industry, the physician community, and the American Board of Medical Specialties shall provide information to the task force upon request.

(d) Task force meetings shall be open to the public, with proper notice being provided in advance of the meetings. The public and citizens of this state shall have a reasonable opportunity to be heard.

(e) The task force shall review the overall maintenance of certification process and shall review the use of maintenance of certification by hospitals, insurance

companies, and entities that license Tennessee physicians. The task force shall also strategize and make recommendations for improvement of the current process, as well as reviewing alternatives that can be created to replace maintenance of certification, including but not limited to, an expansion of continuing medical education.

(f) The staff for the health committee of the house of representatives and the commerce and labor committee of the senate is authorized to provide support to the task force if requested by the chair of the task force.

(g) The task force shall provide a report with recommendations to the health committee of the house of representatives and the commerce and labor committee of the senate by January 15, 2018, at which time it shall cease to exist.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 298**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senator Jackson moved that **Senate Bill No. 313** be placed on the Calendar for Thursday, April 27, 2017, which motion prevailed.

Senate Bill No. 51 -- Drugs, Prescription -- As introduced, prohibits a health benefit plan from denying coverage for a refill of prescription eye drops after certain time periods for a 30, 60, and 90-day supply of the drops. Amends TCA Title 56.

On motion, Senate Bill No. 51 was made to conform with **House Bill No. 18**.

On motion, House Bill No. 18, on same subject, was substituted for Senate Bill No. 51.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 18** passed its third and final consideration by the following vote:

Ayes	25
Noes	3
Present, not voting . . .	1

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Senators voting aye were: Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Haile, Harper, Harris, Hensley, Jackson, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--25.

Senators voting no were: Gresham, Kelsey and Stevens--3.

Senator present and not voting was: Johnson--1.

A motion to reconsider was tabled.

PRESENTATION

Senator Roberts presented **Senate Resolution No. 40** to Ms. Molly Hudgens.

CALENDAR

Senate Bill No. 330 -- Wine & Wineries -- As introduced, authorizes wineries and farm wineries to purchase or import finished wine product and use or dispose of the finished wine product in any manner otherwise authorized for the use or disposal of wine manufactured, bottled, or produced by a winery or farm winery. Amends TCA Section 57-3-207.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-207(h)(2)(A)(ii), is amended by deleting the subdivision and substituting instead the following:

(ii) Except as otherwise provided in subsection (v), wine that is not manufactured or bottled on the licensed premises, or in the case of a farm winery permit holder, wine that was not made pursuant to subsection (o); or

SECTION 2. Tennessee Code Annotated, Section 57-3-207, is amended by adding the following language as a new subsection (v):

(1) Notwithstanding any other law to the contrary, a winery or farm wine permit holder may purchase or import finished wine product from another winery in this state or another state. A winery or farm wine permit holder that purchases or imports finished wine product under this subdivision (v)(1) may sell, distribute, serve for the purposes of samples or tastings, or otherwise use or dispose of such product in any manner that the winery or farm wine permit holder is authorized to use or dispose of wine under this section that is manufactured, bottled, or produced by the winery or farm wine permit holder.

(2) As used in this subsection (v), "finished wine product" means any wine product that is ready for use by an end user and that bears the label of the winery or farm wine permit holder that purchased or imported the finished wine product under subsection (v).

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SECTION 3. Tennessee Code Annotated, Section 57-3-207(f)(1), is amended by deleting the subdivision and substituting instead the following:

(1) A winery licensed under this section may, to the extent permitted under federal law, serve wine, with or without charge, as samples for tasting on the premises at the winery and may sell wine at retail in sealed containers at the winery.

SECTION 4. Tennessee Code Annotated, Section 57-3-207(f)(3), is amended by deleting the subdivision and substituting instead the following:

(3) For purposes of this section, "premises" means any and all of the real property owned or leased by the winery.

SECTION 5. Tennessee Code Annotated, Section 57-3-207(t)(2)(B), is amended by deleting the subdivision and substituting instead the following:

(B) At retail in sealed containers for consumption on the premises to the extent permitted under federal law.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 330**, as amended, passed its third and final consideration by the following vote:

Ayes	25
Noes	2

Senators voting aye were: Bowling, Briggs, Crowe, Dickerson, Green, Gresham, Harper, Harris, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbro and Mr. Speaker McNally--25.

Senators voting no were: Beavers and Hensley--2.

A motion to reconsider was tabled.

Senate Bill No. 355 -- Contractors -- As introduced, increases the monetary limit that triggers requirement that review of the financial statement of an applicant for a contractor's license be attested by the reviewing accountant from \$1.5 million to \$3 million; increases maximum value of buildings that small commercial building contractors may build for use and occupancy by the general public from \$750,000 to \$1.5 million. Amends TCA Title 62, Chapter 6.

On motion, Senate Bill No. 355 was made to conform with **House Bill No. 906**.

On motion, House Bill No. 906, on same subject, was substituted for Senate Bill No. 355.

House Bill No. 906 passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senate Bill No. 429 -- Drugs, Prescription -- As introduced, establishes a prescription drug donation repository program. Amends TCA Title 56; Title 63 and Title 68.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, is amended by deleting part 5 and substituting the following:

63-10-501.

As used in this part:

(1) "Anti-rejection drug" means a prescription drug that suppresses the immune system to prevent or reverse rejection of a transplanted organ;

(2) "Board" means the board of pharmacy;

(3) "Cancer drug" means a prescription drug that is used to treat any of the following:

(A) Cancer or the side effects of cancer; or

(B) The side effects of any prescription drug that is used to treat cancer or the side effects of cancer;

(4) "Controlled substance" means the same as defined in § 39-17-402;

(5) "Department" means the department of health;

(6) "Donor" means a person, a pharmacy, or medical facility as well as any drug manufacturer or wholesaler licensed by the board of pharmacy, who donates prescription drugs to a repository program approved pursuant to this part;

(7) "Eligible Individual" means an indigent person or an uninsured person who meets all other criteria established by board rule;

(8) "Indigent" means a person with an income that is below two hundred percent (200%) of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services;

(9) "Medical facility" means any of the following:

(A) A physician's office;

(B) A hospital;

(C) A health clinic;

(D) A nonprofit health clinic, which includes a federally qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B); a rural health clinic, as defined in 42 U.S.C. § 1396d(l)(1); and a nonprofit health clinic that provides medical care to patients who are indigent, uninsured, or underinsured;

(E) A free clinic as defined in § 63-6-703;

(F) A charitable organization as defined in § 48-101-501; or

(G) A nursing home as defined in § 68-11-201;

(10) "Pharmacy" means a pharmacy as defined in § 63-10-204;

(11) "Prescription drug" means the same as defined in § 63-10-204, except the drug is only tablet or capsule form, and includes cancer drugs and anti-rejection drugs, but does not include controlled substances and drugs covered by the risk evaluation and mitigation strategy program of the federal food and drug administration; and

(12) "Supplies" means the supplies necessary to administer the prescription drugs donated.

63-10-502.

(a)(1) The department of health, in cooperation with the board of pharmacy, may promulgate rules to establish and enforce a prescription drug donation repository program under which a person or organization may donate prescription drugs and supplies for use by an organization that has received a determination of exemption from the United States internal revenue service pursuant to 26 U.S.C. § 501(c)(3), and that meets eligibility criteria specified by rule for administering the program.

(2) Enforcement authority for rules promulgated pursuant to this part shall vest in the board of pharmacy.

(3) Organizations who administer a drug donation repository program shall report the following data to the department every year:

(A) Number of donors during the reporting year;

(B) Number of donations during the reporting year;

(C) List of prescription drugs and supplies donated during the reporting year;

(D) Number of people who received donations of prescription drugs or supplies during the reporting year;

(E) Total number of prescription drugs and supplies dispensed during the reporting year; and

(F) Total cost to eligible individuals who received donations during the reporting year.

(4) Rules promulgated pursuant to this part shall specify the format and method of transmission for data reported pursuant to subdivision (a)(3).

(b) Donations of prescription drugs and supplies under the program may be made directly to the repository program as required by the department or on the premises of a medical facility or pharmacy that elects to participate in the program and meets the requirements established by the department. Donations of prescription drugs and supplies may be made by mail.

(c) A medical facility or pharmacy may charge an individual who receives a prescription drug or supplies a handling fee that does not exceed an amount established by rule.

(d) A medical facility or pharmacy that receives prescription drugs or supplies may distribute the prescription drugs or supplies to another eligible medical facility or pharmacy for use pursuant to the program.

(e) Participation in the program is voluntary.

63-10-503.

(a) A prescription drug or supplies may be accepted and dispensed under the prescription drug donation repository program if all of the following conditions are met:

(1) The prescription drug is in its original sealed and tamper-evident packaging. However, a prescription drug in a single-unit dose or blister pack with the outside packaging opened may be accepted if the single-unit dose packaging remains intact;

(2) The prescription drug or supplies are inspected before the prescription drug or supplies are dispensed by a licensed pharmacist employed by or under contract with the medical facility or pharmacy, and the licensed pharmacist determines that the prescription drug or supplies are not adulterated or misbranded; and

(3) The prescription drug or supplies are prescribed by a healthcare practitioner for use by an eligible individual and are dispensed by a pharmacist.

(b) A prescription drug or supplies donated under this part shall not be resold.

(c)(1) If a donor receives official notice of a recall of a prescription drug donated pursuant to this part, the donor shall make every effort, as required by rule, to notify the repository program to whom the drugs were donated of the recall.

(2) If an organization who is administering a drug repository program receives official notice of a recall of a prescription drug donated pursuant to this part, the organization shall make every effort as required by rule, to notify the pharmacy, medical facility, or patient, if known, to whom such donated drugs were dispensed, of the recall.

(3) Any donor or drug repository program who receives notice of a recall shall dispose of all recalled prescription drugs pursuant to board of pharmacy rules.

(d) A prescription drug dispensed through the prescription drug donation repository program is not eligible for reimbursement under the medical assistance program.

(e) The department shall adopt rules establishing all of the following:

(1) Requirements for medical facilities and pharmacies to accept and dispense donated prescription drugs and supplies, including all of the following:

(A) Eligibility criteria for participation by medical facilities and pharmacies;

(B) Standards and procedures for accepting, safely storing, and dispensing donated prescription drugs and supplies;

(C) Standards and procedures for inspecting donated prescription drugs to determine if the prescription drugs are in their original sealed and tamper-evident packaging, or if the prescription drugs are in single-unit doses or blister packs and the outside packaging is opened, if the single-unit dose packaging remains intact; and

(D) Standards and procedures for inspecting donated prescription drugs and supplies to determine that the prescription drugs and supplies are not adulterated or misbranded;

(2) Additional eligibility criteria for indigent or uninsured persons;

(3) Necessary forms for administration of the prescription drug donation repository program, including forms for use by individuals who donate, accept, distribute, or dispense the prescription drugs or supplies under the program;

(4) A means by which an individual who is eligible to receive donated prescription drugs and supplies may indicate eligibility;

(5) The maximum handling fee that a medical facility or pharmacy may charge for accepting, distributing, or dispensing donated prescription drugs and supplies under the program; and

(6) A list of prescription drugs that the prescription drug donation repository program will accept.

63-10-504.

(a) Except for gross negligence, willful misconduct, or bad faith, a drug manufacturer is not civilly liable or subject to criminal prosecution for injury, death, or loss to a person or property for matters related to the donation, acceptance, or dispensing of a prescription drug manufactured by the drug manufacturer that is donated under this part, including liability for failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug.

(b) Except as provided in subsection (d), a medical facility or another person who is not a drug manufacturer subject to subsection (a) is not civilly liable or subject to criminal prosecution for injury to or the death of an individual to whom a donated prescription drug is dispensed under this part except due to its own gross negligence, willful misconduct, or bad faith. The medical facility or other person who is not a drug manufacturer subject to subsection (a) is also exempt from disciplinary action related to the facility's or person's acts or omissions related to the donation, acceptance, distribution, or dispensing of a donated prescription drug under this part.

(c) Except for gross negligence, willful misconduct, or bad faith, the department of health or the board of pharmacy shall not be civilly liable or subject to criminal prosecution for injury, death, or loss to a person or property resulting from matters related to the donation, acceptance, distribution, or dispensing of a prescription drug donated pursuant to this part.

(d) The immunity and exemption provided in subsections (b) and (c) do not extend to the following:

(1) The donation, acceptance, distribution, or dispensing of a donated prescription drug under this part by a person if the person's acts or omissions are not performed reasonably and in good faith; or

(2) Acts or omissions outside the scope of the program.

63-10-505.

This part shall not restrict the use of samples by a physician or other person legally authorized to prescribe drugs pursuant to this title during the course of the physician's or other person's duties at a medical facility or pharmacy.

63-10-506.

This part does not authorize the resale of prescription drugs by any person.

63-10-507.

A medical facility or pharmacy may not dispense a prescription drug after the expiration date of the drug.

63-10-508.

Notwithstanding this title or title 68, or any rule, a long-term care facility licensed under title 68 may donate prescription drugs to the repository program established by this part.

63-10-509.

The department of health, in consultation with the board, is authorized to promulgate rules to effectuate the purposes of this part. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

63-10-510.

Notwithstanding this part or the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, any rule promulgated to implement the provisions of this part shall be provided to the chairs of the health committee of the house of representatives and the health and welfare committee of the senate by the secretary of state, after approval by the attorney general and reporter, at the same time the text of the rule is made available to the government operations committees of the senate and the house of representatives for purposes of conducting the review required by § 4-5-226 in order for the health committee of the house of representatives and the health and welfare committee of the senate to be afforded the opportunity to comment on the rule.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

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SECTION 3. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 2018, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 429**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senate Bill No. 489 -- Medical Occupations -- As introduced, enacts the "Kenneth and Madge Tullis, MD, Suicide Prevention Training Act." Amends TCA Title 33; Title 63 and Title 68.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language "January 1, 2018" in § 63-1-122(e) of the amendatory language of Section 1 and substituting instead the language "January 1, 2020".

AND FURTHER AMEND by deleting the language "at least once every two (2) years" in § 63-1-122(e) of the amendatory language of Section 1 and substituting instead the language "at least once every five (5) years".

AND FURTHER AMEND by deleting subdivisions (e)(3) through (e)(5) from § 63-1-122 of the amendatory language of Section 1 and substituting instead the following:

(3) An alcohol and drug abuse counselor certified under title 68, chapter 24; and

(4) An occupational therapist licensed under chapter 13 of this title.

AND FURTHER AMEND by deleting § 63-1-122(f) of the amendatory language of Section 1 and substituting instead the following:

(f) A professional listed in subsection (e) applying for initial licensure or certification on or after January 1, 2020, is not required to complete the training program required by this section for two (2) years after initial licensure or certification if the professional can demonstrate successful completion of a two-hour academic training program that meets criteria established by the profession's board and that was completed no more than two (2) years prior to the application for initial licensure or certification.

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On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 489**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senate Bill No. 523 -- Nurses, Nursing -- As introduced, modifies the relationship between an advanced practice registered nurse and a physician in regards to reporting of certain controlled substances to be a relationship based on collaboration rather than supervision. Amends TCA Title 63 and Title 68.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by inserting the following as a preamble immediately before the enacting clause:

WHEREAS, in 2016, the Tennessee General Assembly created a task force to make recommendations for the improvement of Tennessee residents' health by providing access to quality and cost effective care; and

WHEREAS, a key component of quality and effective healthcare delivery is the interaction and relationship among healthcare providers, particularly between advanced practice registered nurses (APRNs) and physicians in Tennessee; and

WHEREAS, this legislation is limited to specific instances and actions among physicians and APRNs; and

WHEREAS, it is the intent of this legislation to change terminology only. It is not the intent of this legislation to alter or amend the relationships and designated responsibilities between physicians and advanced practice registered nurses, including nurse practitioners, certified nurse midwives, clinical nurse specialists, or certified registered nurse anesthetists existing prior to the effective date of this act; now, therefore,

AND FURTHER AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-1-306(a)(3), is amended by deleting the subdivision and substituting instead the following:

(3)(A) All advanced practice registered nurses licensed under chapter 7 of this title, who practice in a licensed pain clinic, shall collaborate with a pain medicine specialist.

(B) All physician assistants licensed under chapter 19 of this title, who practice in a licensed pain clinic, shall be supervised by a pain medicine specialist.

SECTION 2. Tennessee Code Annotated, Section 63-7-123(b)(1) and (2), is amended by deleting the subdivisions and substituting instead the following:

(1) A nurse who has been issued a certificate of fitness as a nurse practitioner pursuant to § 63-7-207 and this section shall file a notice with the board, containing the name of the nurse practitioner, the name of the licensed physician collaborating with the nurse practitioner who has control and responsibility for prescriptive services rendered by the nurse practitioner, and a copy of the formulary describing the categories of legend drugs to be prescribed and/or issued by the nurse practitioner. The nurse practitioner shall be responsible for updating this information.

(2)(A) The nurse practitioner who holds a certificate of fitness shall be authorized to prescribe and/or issue controlled substances listed in Schedules II, III, IV, and V of title 39, chapter 17, part 4, upon joint adoption of physician collaboration rules concerning controlled substances pursuant to subsection (d).

(B) Notwithstanding subdivision (b)(2)(A), a nurse practitioner shall not prescribe Schedules II, III, and IV controlled substances unless such prescription is specifically authorized by the formulary or expressly approved after consultation with the collaborating physician before the initial issuance of the prescription or dispensing of the medication.

(C) A nurse practitioner who had been issued a certificate of fitness may only prescribe or issue a Schedule II or III opioid listed on the formulary for a maximum of a non-refillable, thirty-day course of treatment unless specifically approved after consultation with the collaborating physician before the initial issuance of the prescription or dispensing of the medication. This subdivision (b)(2)(C) shall not apply to prescriptions issued in a hospital, a nursing home licensed under title 68, or inpatient facilities licensed under title 33.

SECTION 3. Tennessee Code Annotated, Section 63-7-123(b)(3)(A), is amended by deleting the subdivision and substituting instead the following:

(A) Any prescription written and signed or drug issued by a nurse practitioner under collaboration with and the control of a collaborating physician shall be deemed to be that of the nurse practitioner. Every prescription issued by a nurse practitioner pursuant to this section shall be entered in the medical records of the patient and shall be written on a preprinted prescription pad bearing the name, address, and telephone number of the collaborating physician and of the nurse practitioner, and the nurse practitioner shall sign each prescription so written. Where the preprinted prescription pad contains the names of more than one (1) physician, the nurse practitioner shall indicate on the prescription which of those physicians is the nurse practitioner's primary collaborating physician by placing a checkmark beside or a circle around the name of that physician.

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SECTION 4. Tennessee Code Annotated, Section 63-7-123(b)(5), is amended by deleting the word "supervising" and substituting instead the word "collaborating".

SECTION 5. Tennessee Code Annotated, Section 63-7-123(d), is amended by deleting the language "supervision of nurse practitioners by physicians" and substituting instead "collaboration of nurse practitioners with physicians".

SECTION 6. Tennessee Code Annotated, Section 63-10-204(42)(A), is amended by deleting the subdivision and substituting instead the following:

(A)(i) "Prescription order" means and includes any order, communicated through written, verbal, or electronic means by a physician, certified physician assistant, pharmacist in accordance with a collaborative pharmacy practice agreement pursuant to this section, dentist, veterinarian, optometrist authorized pursuant to § 63-8-102(12), or other allied medical practitioner, for any drug, device, or treatment;

(ii) "Prescription order" means and includes any order, communicated through written, verbal, or electronic means by a nurse authorized pursuant to § 63-6-204, who is prescribing in collaboration with and under the control and responsibility of a licensed physician, and who meets the requirements pursuant to § 63-7-207(14);

SECTION 7. Tennessee Code Annotated, Section 63-10-217(d), is amended by deleting the subdivision and substituting instead the following:

(1) If the collaborative practice agreement includes one (1) or more prescribers who are advanced practice registered nurses (APRNs), the collaborating physician who has primary responsibility for collaborating with the APRN, must also approve and sign the collaborative pharmacy practice agreement. The collaborating physician may only approve a collaborative pharmacy practice agreement of an APRN if the services authorized in the agreement are included in the routine services delivered by the collaborating physician in the physician's medical practice. An authorizing prescriber entering into collaborative pharmacy practice agreements shall be available for consultation with the pharmacist or pharmacists as needed.

(2) If the collaborative practice agreement includes one (1) or more prescribers who are physician assistants (PAs), the supervising physician who has primary responsibility for supervising the PA, must also approve and sign the collaborative pharmacy practice agreement. The supervising physician may only approve a collaborative pharmacy practice agreement of a PA if the services authorized in the agreement are included in the routine services delivered by the supervising physician in the physician's medical practice. An authorizing prescriber entering into collaborative pharmacy practice agreements shall be available for consultation with the pharmacist or pharmacists as needed.

SECTION 8. Tennessee Code Annotated, Section 63-51-105, is amended by deleting the word "and" at the end of subdivision (a)(17), deleting subdivision (a)(18), and substituting instead the following:

(18) For the profile of a holder of a certificate of fitness pursuant to § 63-7-123, the name of the holder's collaborating physician; and

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(19) For any physician assistant licensed under § 63-19-105, the name of the assistant's supervising physician.

SECTION 9. Tennessee Code Annotated, Section 63-51-115(a), is amended by deleting the last sentence of the subsection and substituting instead the following:

The department shall also allow a supervising physician at any time the opportunity to review, accept, and update the existence of a supervisory relationship between the physician and a physician assistant licensed under § 63-19-105. The department shall also allow a collaborating physician at any time the opportunity to review, accept, and update the existence of a collaborating relationship between the physician and the holder of a certificate of fitness pursuant to § 63-7-123.

SECTION 10. Tennessee Code Annotated, Section 63-51-115(c), is amended by inserting the language "collaborating physician," between the language "care organization," and "or supervisory physician".

SECTION 11. Tennessee Code Annotated, Section 63-51-115(d), is amended by deleting the subsection and substituting instead the following:

(d) Nothing contained in this section shall repeal or override the confidentiality provisions contained in title 53, chapter 10, part 3, except to the extent that the department uses the information to update the existence of:

(1) A collaborating relationship between a physician and a holder of a certificate of fitness pursuant to § 63-7-123; or

(2) A supervisory relationship between a physician and a physician assistant licensed under § 63-19-105.

SECTION 12. Tennessee Code Annotated, Section 68-1-128(a)(2), is amended by deleting the language "physician supervisor" and substituting instead the language "collaborating physician or physician supervisor, as appropriate,".

SECTION 13. Tennessee Code Annotated, Section 68-1-128(e), is amended by deleting the language "supervising physician's licensing board" and substituting instead the language "collaborating physician's or supervising physician's licensing board, as appropriate".

SECTION 14. Tennessee Code Annotated, Section 68-1-128, is amended by deleting the language "supervising physician" wherever it appears and substituting instead the language "collaborating physician or supervising physician, as appropriate,".

SECTION 15. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 523**, as amended, passed its third and final consideration by the following vote:

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Ayes 31
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

Senate Bill No. 553 -- Child Abuse -- As introduced, adds the commission of trafficking for commercial sex act to the definitions of child sexual abuse and severe child abuse. Amends TCA Title 37, Chapter 1, Part 1 and Title 37, Chapter 1, Part 6.

On motion, Senate Bill No. 553 was made to conform with **House Bill No. 615**.

On motion, House Bill No. 615, on same subject, was substituted for Senate Bill No. 553.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(22)(C), is amended by deleting the subdivision in its entirety and substituting instead the following language:

The commission of any act towards the child prohibited by § 39-13-309, §§ 39-13-502 - 39-13-504, § 39-13-515, § 39-13-522, § 39-15-302, § 39-15-402, or § 39-17-1005 or the knowing failure to protect the child from the commission of any such act towards the child; or

SECTION 2. Tennessee Code Annotated, Section 37-1-102(b)(4), is amended by deleting the second sentence of the subdivision and substituting instead the following:

"Caregiver" may also include a person who has allegedly used the child for the purpose of commercial sexual exploitation of a minor or trafficking a minor for a commercial sex act, including, but not limited to, as a trafficker.

SECTION 3. Tennessee Code Annotated, Section 37-1-602(a)(3)(C), is amended by adding the following language as a new subdivision:

(vii) The commission of any act towards the child prohibited by § 39-13-309; and

SECTION 4. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Thereupon, **House Bill No. 615**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senate Bill No. 571 -- Education -- As introduced, re-designates the "Tennessee Baccalaureate Education System Trust Act" as the "Tennessee College Savings Trust Act" and replaces the TSAC director with a state university president as a member of the program's board of trustees; transfers trusteeship of the chairs of excellence endowment fund from the state school bond authority to a new board. Amends TCA Title 4, Chapter 29; Title 35; Title 49, Chapter 7, Part 5; Title 49, Chapter 7, Part 8; Title 55; Title 65 and Title 67.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting subdivision (a)(8) in Section 8 of the bill and substituting instead the following:

(8) The president of the Tennessee Independent Colleges and Universities Association; and

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 571**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senator Gresham moved that **Senate Bill No. 587** be placed on the Calendar for Thursday, April 20, 2017, which motion prevailed.

Senate Bill No. 597 -- Disabled Persons -- As introduced, allows disabled adults to have paid personal aides to perform health maintenance tasks for them. Amends TCA Title 63; Title 68 and Title 71.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by inserting the language "as determined by rule," in subdivision (a)(3)(E) of the amendatory language of Section 1 between the language "not limited to," and "administration of".

AND FURTHER AMEND by deleting the language "whether the paid personal aide" in subdivision (a)(6) of the amendatory language of Section 1 and substituting instead the language "whether a paid personal aide".

AND FURTHER AMEND by deleting the language ", evaluated, and supervised" from subsection (b) of the amendatory language of Section 1.

AND FURTHER AMEND by deleting subsection (c) of the amendatory language in Section 1 and substituting instead:

(c) A paid personal aide may perform health maintenance tasks required by an individual receiving long-term supports and services and be paid to provide those tasks while performing services constituting home and community based long-term care, as defined in § 71-2-103, or under a private pay arrangement. Self-direction of healthcare tasks by an individual receiving medicaid-reimbursed home and community based long-term care services shall be provided pursuant to the Long-Term Care Community Choices Act of 2008, compiled in title 71, chapter 5, part 14.

AND FURTHER AMEND by adding the following language at the end of subsection (d) of the amendatory language of Section 1:

The requirements for documentation of the training required by this subsection (d) are to be determined by rule.

AND FURTHER AMEND by deleting Section 2 and substituting instead the following:

SECTION 2. The Tennessee commission on aging and disability shall, after consultation with the bureau of TennCare, the department of mental health and substance abuse services, the department of intellectual and developmental disabilities, AARP Tennessee, the Tennessee Disability Coalition, and the Tennessee Association of Home Care, promulgate rules implementing this act. These rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 597**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron,

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Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbro and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senate Bill No. 704 -- TennCare -- As introduced, enacts the "Ground Ambulance Service Provider Assessment Act." Amends TCA Title 56; Title 68 and Title 71.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the period in 71-5-2802(4) in Section 1 and substituting a semicolon.

AND FURTHER AMEND by deleting the language "twenty thousand dollars (\$20,000)" in 71-5-2804(d)(1) in Section 1 and substituting the language "seventy-five thousand dollars (\$75,000)".

AND FURTHER AMEND by deleting the word "department" in 71-5-2805 in Section 1 and substituting instead the word "bureau".

AND FURTHER AMEND by deleting the word "division" wherever it appears in 71-5-2807(e) and (g) in Section 1 and substituting the word "bureau".

AND FURTHER AMEND by adding the following as a new subsection (d) in 71-5-2808 in Section 1:

(d) The ground ambulance service provider assessment established by this part shall terminate on June 30, 2018.

AND FURTHER AMEND by deleting the word "act" in 71-5-2809 in Section 1 and substituting the word "part".

On motion, Amendment No. 1 was adopted.

Senator Yager moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following as a new subsection in 71-5-2803 in Section 1:

(c) An ambulance service shall not increase charges or add a surcharge to ground transports based on, or as a result of, the assessment described in subsection (a).

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 704**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

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Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 732 -- Education, Higher -- As introduced, prohibits THEC from approving an application or renewal application for an institution to participate in SARA if the institution is not designated a VETS campus. Amends TCA Title 49, Chapter 7, Part 15.

On motion, Senate Bill No. 732 was made to conform with **House Bill No. 396**.

On motion, House Bill No. 396, on same subject, was substituted for Senate Bill No. 732.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 396** passed its third and final consideration by the following vote:

Ayes	30
Noes	0
Present, not voting ...	1

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

Senator present and not voting was: Gresham--1.

A motion to reconsider was tabled.

Senator Gresham moved that **Senate Bill No. 733** be placed on the Calendar for Thursday, April 20, 2017, which motion prevailed.

Senate Bill No. 796 -- Alcoholic Beverages -- As introduced, allows a winery in Davidson County to also own or operate a retail package store upon meeting certain qualifications. Amends TCA Title 57.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-207(h), is amended by adding thereto the following new subdivision (3):

(A) A winery licensed under this section that satisfies the requirements of subdivision (h)(3)(B) may sell alcoholic beverages on the premises of the winery if the label of the alcoholic beverage product sold contains the name of the winery or is so

intrinsically related to the property upon which the winery is located as to be identified as a product of or created for the winery.

(B) A winery exercising the rights conferred by subdivision (h)(3)(A) must satisfy the following requirements:

(i) The winery is located on a tract or tracts of land having at least twenty-four (24) contiguous acres;

(ii) The winery is located on property adjacent to a federal highway;

(iii) The winery is located on property with a commercial railroad track not more than two hundred fifty feet (250') from the nearest property line;

(iv) The winery is located on property with a structure that was originally constructed prior to 1860 as a private residence;

(v) The winery is located on property that is leased or owned by a not-for-profit corporation exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code; and

(vi) The winery is located on property located within the jurisdictional limits of a county with a metropolitan form of government having a population of not less than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 796**, as amended, passed its third and final consideration by the following vote:

Ayes 25
Noes 2

Senators voting aye were: Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Harper, Harris, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--25.

Senators voting no were: Beavers and Hensley--2.

A motion to reconsider was tabled.

Senator Bailey moved that **Senate Bill No. 820** be placed on the Calendar for Monday, April 24, 2017, which motion prevailed.

Senate Bill No. 897 -- Local Education Agencies -- As introduced, increases from \$10,000 to \$25,000 the threshold at which an LEA must seek competitive bids for purchases; increases from \$10,000 to \$100,000 the threshold if the LEA has a separate purchasing division; changes solicitation requirements for bids above the threshold. Amends TCA Section 12-3-1212 and Title 49, Chapter 2.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-3-1212, is amended by deleting the section in its entirety and substituting instead the following:

Notwithstanding any charter provision, private act, or other law to the contrary, any county, municipality, utility district, LEA in accordance with § 49-2-203(a), or other local governmental entity having centralized purchasing authority with a full-time purchasing agent is authorized, by resolution or ordinance of its governing body, to increase the threshold over which public advertisement and sealed competitive bids or proposals are required to an amount not to exceed twenty-five thousand dollars (\$25,000) for nonemergency, nonproprietary purchases. At least three (3) written quotations shall be required whenever possible for purchases costing less than the bid threshold established for public advertisement and sealed competitive bids or proposals but more than forty percent (40%) of such bid threshold or some lower amount as may be established by the governing body in the resolution. Purchases of like items shall be aggregated for purposes of the bid threshold.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 897**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	1

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

Senator voting no was: Kelsey--1.

A motion to reconsider was tabled.

Senate Bill No. 970 -- Emergency Communications Districts -- As introduced, authorizes purchase of insurance to protect against breach of duty by emergency communications officials and employees in lieu of surety bond. Amends TCA Title 7 and Title 8.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-86-119, is amended by designating the existing language of subsection (a) as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)(A) An emergency communications district may purchase, in lieu of the surety bonds required by subdivision (a)(1), fidelity bonds to cover any losses from breach of the condition of faithful discharge of the duties of any board member, executive committee member, employee, officer, or any other authorized person of an emergency communications district who receives public funds, has authority to make expenditures from public funds, or has access to any public funds.

(B) A fidelity bond purchased pursuant to this subdivision (a)(2) shall provide coverage for government crime and employee dishonesty that insures the lawful performance by officials and their employees of their fiduciary duties and responsibilities.

(C) A fidelity bond purchased pursuant to this subdivision (a)(2) must be purchased from a corporation licensed to do business in this state pursuant to title 56, chapter 2.

(D) A certificate evidencing the persons covered by the fidelity bond, the amount of coverage maintained, and the type of coverage provided shall be filed in the register's office for the county in which the emergency communications district is located.

(E) A certificate filed pursuant to subdivision (a)(2)(D) shall satisfy the requirement for the filing of official bonds under subsection (e).

SECTION 2. Tennessee Code Annotated, Section 7-86-119, is further amended by deleting subsection (c) and substituting instead the following:

(c)(1) The minimum amount of such required bond shall be determined from the amount of revenues handled by the respective emergency communications district as reported in the last audit approved by the comptroller of the treasury. The minimum amount of the bond shall be based on revenues as follows:

(A) Four percent (4%) of the revenues up to three million dollars (\$3,000,000); and

(B) Two percent (2%) of the revenues in excess of three million dollars (\$3,000,000) shall be added.

(2) The amounts indicated in subdivisions (c)(1)(A) and (B) shall be cumulative.

SECTION 3. Tennessee Code Annotated, Section 7-86-119, is further amended by deleting subsection (d) and substituting instead the following:

(d) Surety bonds purchased pursuant to this section shall be signed by authorized individuals of a corporate surety, and such corporation shall be duly licensed to do business in the state as a surety.

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SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 970**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 1060 -- State Employees -- As introduced, increases time the appointing authority has to appoint one of the applicants after being referred a list of eligibles from within 30 days to within 45 days. Amends TCA Title 4; Title 8 and Title 49.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-8-301, is amended by redesignating the current language as subsection (a) and adding the following subsection (b):

(b) As used in this section and § 8-8-302, "deputy" includes a jailer appointed by a sheriff pursuant to § 41-4-101.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to acts and failures to act on or after that date.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1060**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

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A motion to reconsider was tabled.

Senator Lundberg moved that **Senate Bill No. 1079** be placed on the Calendar for Monday, April 24, 2017, which motion prevailed.

Senate Bill No. 1152 -- Education, Curriculum -- As introduced, designates the week of September 17 as "Celebrate Freedom Week" in public schools; requires the state board of education to adopt rules in regard to Celebrate Freedom Week. Amends TCA Title 49, Chapter 6, Part 10.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following language as a new section:

(a) To educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded, the week in which September 17 falls, or another full school week as determined by an LEA, is designated as Celebrate Freedom Week in public schools. For purposes of this subsection (a), Sunday shall be considered the first day of the week.

(b) The department of education shall promote Celebrate Freedom Week.

(c) No later than December 31, 2017, the state board of education shall adopt rules requiring each social studies class to include, during Celebrate Freedom Week, age-appropriate instruction concerning the original intent, meaning, and importance of the declaration of independence and the United States constitution, including the bill of rights. Each document shall be taught in its historical context. There shall be no content-based censorship of the social studies class taught pursuant to this section.

(d) The rules adopted pursuant to subsection (c) shall provide for the study of the declaration of independence to include study of the relationship between ideas expressed in that document and subsequent American history, including:

(1) The rich diversity of American people as a nation of immigrants;

(2) The American revolution;

(3) The formulation of the United States constitution; and

(4) The abolitionist movement, including the emancipation proclamation and the women's suffrage movement.

(e) In adopting rules under subsection (c), the state board of education shall:

(1) Require that, during Celebrate Freedom Week or other week of instruction prescribed under subsection (c), students in grades kindergarten (K) through twelve (12) study and recite the following language from the declaration of independence:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; and

(2) Excuse any student from reciting the language in subdivision (e)(1):

(A) Whose parent or legal guardian submits to the district a written request that the student be excused from recitation;

(B) Who has a conscientious objection to the recitation; or

(C) Who is the child of a representative of a foreign government to whom the United States government extends diplomatic immunity.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2018.

On motion, Amendment No. 1 was adopted.

Senator Hensley moved that **Senate Bill No. 1152**, as amended, be placed on the Calendar for Thursday, April 20, 2017, which motion prevailed.

Senate Bill No. 1168 -- Children's Services, Dept. of -- As introduced, requires the department to maintain case manager staffing levels so that case manager caseloads do not exceed more than 20 active cases relating to initial assessments or more than 20 children monitored and supervised per case manager. Amends TCA Title 37, Chapter 5.

Senate Bill No. 1168 passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

Senate Bill No. 1192 -- Securities -- As introduced, makes various changes to the regulation of securities under the Tennessee Securities Act of 1980, such as granting the commissioner of commerce and insurance authority to restrict certain exemptions, increasing penalties for violations

wherein senior citizens and adults with certain mental or physical dysfunctions are victims, and altering filing and renewal requirements. Amends TCA Title 48, Chapter 1, Part 1.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting subdivision (20) in Section 1 and substituting instead the following:

(20)(A) "Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, a life settlement investment or any fractional or pooled interest in a life insurance policy or life settlement investment, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease; or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing;

(B) For the purposes of this subdivision (20), "life settlement investment" means the contractual right to receive any portion of the death benefit or ownership of a life insurance policy or certificate, for consideration that is less than the expected death benefit of the life insurance policy or certificate. "Life settlement investment" also includes written agreements commonly referred to as viatical settlement investments. "Life settlement investment" does not include:

(i) A viatical settlement contract, between a viator and a viatical settlement provider, as such terms are defined in § 56-50-102;

(ii) Any transfer of ownership or beneficial interest in a life insurance policy from a viatical settlement provider to another viatical settlement provider, as defined in § 56-50-102, or to any legal entity formed solely for the purpose of holding ownership or beneficial interest in a life insurance policy or policies;

(iii) Any agreement for the original issuance of an insurance policy or certificate of insurance from the insured or policy owner to any provider of a life insurance policy;

(iv) An assignment, transfer, sale, devise, or bequest of a death benefit under or ownership of either an insurance policy or certificate of insurance by the original owner or a person who has an insurable interest in the insured;

(v) An assignment of an insurance policy or certificate of insurance to any bank, savings bank, savings and loan association, credit union, or other licensed lending institution as collateral for a loan; or

(vi) The exercise of accelerated benefits pursuant to a life insurance policy; and

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(C) "Security" does not include:

- (i) Currency;
- (ii) A check, whether or not certified; draft; bill of exchange; or bank letter of credit;
- (iii) A note or other evidence of indebtedness issued in a mercantile or consumer, rather than an investment, transaction;
- (iv) An interest in a deposit account with a bank or a savings and loan association; or
- (v) An insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified period;

AND FURTHER AMEND by deleting subdivision (a)(7) in Section 3 and substituting instead the following:

(7) Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association; provided, that at least ten (10) days prior to any sale of a security pursuant to an exemption under this subdivision (a)(7), such person has filed with the commissioner all information as the commissioner may by rule require and paid a fee of one hundred dollars (\$100), and that the commissioner does not by order disallow the exemption under this subdivision (a)(7) and no sales are made until expiration of that ten (10) days; provided further, that the commissioner may restrict the availability of this exemption to any class or subclass of securities of such issuer;

AND FURTHER AMEND by deleting subdivision (a)(12)(B) in Section 6 and substituting instead the following:

(B) At least ten (10) days prior to any sale of a security in this state pursuant to an exemption under this subdivision (a)(12), such bank holding company or savings and loan holding company has filed with the commissioner all information as the commissioner may by rule require and paid a fee of one hundred dollars (\$100), and the commissioner does not by order disallow the exemption under this subdivision (a)(12) and no sales are made until expiration of that ten (10) days. The commissioner may restrict the availability of the exemption under this subdivision (a)(12) to any class or subclass of securities of such issuer; and

AND FURTHER AMEND by deleting subsection (a) in Section 48 and substituting instead the following:

(a)(1) If a qualified individual reasonably believes that financial exploitation of a designated adult has occurred, has been attempted or may have been attempted, or is being attempted, the qualified individual, in cooperation with the qualified individual's broker-dealer or investment adviser, may notify the commissioner.

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(2) Subsequent to notifying the commissioner, a qualified individual may, to the extent permitted under federal law, notify any of the following concerning the qualified individual's belief that financial exploitation may have occurred:

- (A) A relative of the designated adult as defined in § 71-6-102(12);
- (B) A legal guardian of the designated adult;
- (C) A trustee, co-trustee, or successor trustee of the account of the designated adult;
- (D) An agent under a power of attorney of the designated adult; or
- (E) Any other person permitted under existing laws, rules, regulations, or customer agreement.

AND FURTHER AMEND by deleting subdivision (b)(1)(B)(iii) in Section 48 and substituting instead the following:

(iii) Continues its internal review of the suspected or attempted financial exploitation of the designated adult, as necessary, and reports any additional results to the commissioner within seven (7) business days after the requested disbursement.

AND FURTHER AMEND by deleting subdivision (b)(3)(B) in Section 48 and substituting instead the following:

(B) Fifteen (15) business days after the date on which the broker-dealer or investment adviser first delayed disbursement of the funds, unless the commissioner requests that the broker-dealer or investment adviser extends the delay, in which case the delay shall expire no more than twenty-five (25) business days after the date on which the broker-dealer or investment adviser first delayed disbursement of the funds unless otherwise terminated or extended by the commissioner or an order of a court of competent jurisdiction.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1192**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

Senate Bill No. 1209 -- State Government -- As introduced, authorizes administrative departments to obtain criminal history background checks on all employees and contractors with access to federal tax information; requires employees and contractors to make certain disclosures;

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requires departments or contractors to pay incurred costs; requires departments to establish written policies related to background check investigations; and authorizes department chief executives to designate the job titles or classifications subject to the background check requirement. Amends TCA Title 4, Chapter 3, Part 1.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) The administrative departments of state government are authorized, as necessary to comply with internal revenue service Publication 1075, including amendments thereto and publications replacing Publication 1075, to obtain state and national criminal history background checks and investigations performed by the Tennessee bureau of investigation and the federal bureau of investigation on all employees and contractors with access to federal tax information.

(b) An employee or contractor of any administrative department of state government with access to or that uses federal tax information must:

(1) Agree to a local background check and the release of all investigative records to the state government for the purpose of verifying criminal history information; and

(2) Supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted by the Tennessee bureau of investigation, and then submit to a national criminal history background check to be conducted by the federal bureau of investigation.

(c) Except as otherwise provided in this subsection (c), a state administrative department shall pay any costs incurred to conduct background checks and investigations requested by the department. The state administrative department may require a person or entity contracting with the department to pay the costs associated with the background investigations for all employees of the contractor. The requirement may be a condition of the contract with the department. Payment must be made in accordance with § 38-6-103.

(d) Each state administrative department required to conduct background checks and investigations pursuant to this section shall establish written policies concerning the implementation and use of the background checks and investigations conducted pursuant to this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Thereupon, **Senate Bill No. 1209**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 1214 -- Workers Compensation -- As introduced, removes the requirement that sole proprietors and partners must provide notice to the bureau of workers' compensation when electing to be included under the workers' compensation law; renames the second injury fund to subsequent injury and vocational recovery fund and authorizes the bureau to use money from the fund to provide vocational recovery assistance to employees with certain limitations; and revises various procedural provisions regarding appeals of workers' compensation orders. Amends TCA Section 9-8-307; Section 29-20-401 and Title 50, Chapter 6.

Senator Overbey declared Rule 13 on **Senate Bill No. 1214**.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 6; Section 29-20-401; and Section 9-8-307, are amended by deleting the language "second injury fund" wherever it appears and substituting instead the language "subsequent injury and vocational recovery fund".

SECTION 2. Tennessee Code Annotated, Section 50-6-102(12)(B), is amended by deleting the subdivision and substituting instead the following:

(B) "Employee" includes a sole proprietor, a partner, or a member of a limited liability company who devotes full time to the proprietorship, partnership, or limited liability company, respectively, and who elects to be included in the definition of "employee" by filing written notice of the election on a form prescribed by the bureau with the insurer or, if there is no insurer, with the partnership, proprietorship, or limited liability company at least thirty (30) days before the occurrence of any injury or death. Such a proprietor, partner, or member may at any time withdraw the election by giving notice of the withdrawal to the insurer or, if there is no insurer, with the partnership, proprietorship, or limited liability company. Such a partner, proprietor, or limited liability company may at any time revoke the election for the term of the policy by giving notice in the same manner. Notification given pursuant to this subdivision (12)(B) does not become effective until it is filed with the proper entity;

SECTION 3. Tennessee Code Annotated, Section 50-6-104, is amended by deleting the section and substituting instead the following:

(a) Any officer of a corporation may elect to be exempt from the operation of this chapter.

(b) An officer who elects exemption from this chapter shall give written notice to the corporation of the officer's intent not to be covered by this chapter on a form prescribed by the bureau. Notice of the officer's election not to be bound by this chapter must include an affidavit of the officer that the action of the officer in rejecting this chapter was not advised, counseled, nor encouraged by the employer or by anyone acting on the employer's behalf. The election by any employee, who is a corporate officer of the employer, to be exempt from this chapter, does not reduce the number of employees of the employer for the purposes of determining the requirements of coverage of the employer under this chapter.

(c) Every employee who is a corporate officer and who elects not to operate under this chapter, in any action to recover damages for personal injury or death by accident brought against an employer who has elected to operate under this chapter, shall proceed as at common law, and the employer may make use of all common law defenses.

(d) Notification given pursuant to this section does not become effective until it is filed with the proper entity. Any officer who elects exemption and who, after electing exemption then revokes that exemption, shall give written notice of the revocation to the employer and its insurer at least thirty (30) days before the occurrence of any injury or death.

(e) This section does not apply to any officer of a corporation, member of a limited liability company, partner, or sole proprietor who is engaged in the construction industry, as defined by § 50-6-901; instead, part 9 of this chapter applies to such officer, member, partner, or sole proprietor.

SECTION 4. Tennessee Code Annotated, Section 50-6-106(5), is amended by deleting the subdivision and substituting instead the following:

(5) Cases where fewer than five (5) persons are regularly employed, except as provided in § 50-6-902. In cases with fewer than five (5) regularly employed persons, the employer may accept this chapter by purchasing a workers' compensation insurance policy, and may at any time withdraw that acceptance by canceling or not renewing the policy and providing notice to the employees;

SECTION 5. Tennessee Code Annotated, Section 50-6-208, is amended by adding the following as a new subsection:

(j)(1) If, at the time compensation provided by § 50-6-207(3)(A) ends, the employee has not returned to work with any employer because of a work injury or has returned to work and is receiving wages or a salary that is less than one hundred percent (100%) of the wages or salary the employee received from the employee's pre-injury employer on the date of injury, the injured employee may request vocational recovery assistance from the subsequent injury and vocational recovery fund. To be eligible for assistance, the injured employee must:

(A) Have received all compensation permitted under § 50-6-207(3); and

(B) Submit to the bureau on a form approved by the administrator a request for vocational recovery assistance within ninety (90) days of the date of final payment for all periods of compensation to which an injured worker is entitled under § 50-6-207(3).

(2) Vocational recovery assistance may include, but is not limited to, vocational assessment, employment training, job analysis, vocational testing, general education development (GED) classes and testing, and education through a public Tennessee community college, university, or college of applied technology, including books and materials required for courses. All assistance is subject to the maximum limitation set out in subdivision (j)(5).

(3) The administrator may evaluate a request for vocational recovery assistance based upon the facts and circumstances relevant to the request and make a determination whether to grant any such request.

(4) The administrator may distribute as vocational recovery assistance any revenues in the subsequent injury and vocational recovery fund that are in excess of:

(A) The estimated required reserves for known claims and incurred but not reported subsequent injury claims, as determined in the most recent actuarial analysis;

(B) The liability to be incurred from the date of the most recent actuarial analysis to the end of the fiscal year in which assistance is provided; and

(C) The costs associated with legal counsel to defend the fund and administrative costs of the recovery assistance program.

(5) The total amount paid on behalf of any eligible employee for vocational recovery assistance from the subsequent injury and vocational recovery fund pursuant to this subsection (j) must not exceed five thousand dollars (\$5,000) in any one (1) fiscal year, and must not exceed the total sum of twenty thousand dollars (\$20,000) per employee who participates in this program for all years. The total aggregate amount to be paid from the subsequent injury and vocational recovery fund as to all eligible employees is limited to a total of five hundred thousand dollars (\$500,000) in any calendar year.

(6) The administrator may promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the purpose of discharging the administrator's duties to carry out the purposes, goals, and intent of this subsection (j). Such rules may include determining future eligibility of assistance based upon satisfactory completion of coursework in courses taken.

(7) This subsection (j) applies to injuries that occur on or after July 1, 2018, but does not apply to injuries that occur after June 30, 2021.

SECTION 6. Tennessee Code Annotated, Section 50-6-208(e), is amended by deleting the subsection and substituting instead the following:

(e) The sums collected by the administrator as provided in this section must be deposited by the administrator in a special fund, which must be termed the "subsequent injury and vocational recovery fund", to be disbursed by the administrator only for the purposes stated in this section, for costs associated with legal counsel to defend the administrator in actions claiming compensation from the subsequent injury and vocational recovery fund pursuant to this section, and for costs associated with providing vocational recovery assistance to eligible employees pursuant to subsection (j). Monies remaining in the fund must not, at any time, be appropriated or diverted to any other purpose. The administrator shall not invest any monies in the subsequent injury and vocational recovery fund in any other manner than is provided by the general laws of the state for investments of funds in the hands of the state treasurer. Disbursements from the fund for permanent total physical disabilities must be made by the administrator only after receipt by the administrator of a certified copy of the court decree awarding compensation as provided in this section. Disbursements must be made only in accordance with the decree. A copy of the decree awarding compensation from the fund must in all cases be filed with the bureau. The administrator has the authority in accordance with subsection (j) to make disbursements for vocational recovery assistance from the fund without any court decree.

SECTION 7. Tennessee Code Annotated, Section 50-6-217(a), is amended by deleting the subsection and substituting instead the following:

(1) The administrator shall establish a workers' compensation appeals board, which must be wholly separate from the court of workers' compensation claims, to review interlocutory and final orders entered by workers' compensation judges upon application of any party to a workers' compensation claim.

(2) Any party aggrieved by an order issued by a workers' compensation judge may appeal the order to the workers' compensation appeals board by filing a timely notice of appeal on a form prescribed by the administrator. Review must be accomplished in the following manner:

(A) Within seven (7) business days after the filing of an interlocutory order, either party may appeal the interlocutory order by filing a notice of appeal with the clerk of the court of workers' compensation claims. Following the expiration of the time established by bureau rules for the parties to file a transcript prepared by a licensed court reporter or a statement of the evidence, along with briefs or position statements specifying the issues presented for review and supporting arguments, the record on appeal must be submitted by the clerk of the court of workers' compensation claims to the clerk of the workers' compensation appeals board. Within twenty (20) business days of the receipt of the record on appeal or oral argument conducted pursuant to bureau rules, whichever is later, the workers'

compensation appeals board shall issue a decision affirming, reversing, or modifying the interlocutory order and remanding the case. The decision of the workers' compensation appeals board is not subject to further review; and

(B) Within thirty (30) calendar days after the issuance of a compensation order pursuant to § 50-6-239(c)(2), either party may appeal the compensation order by filing a notice of appeal with the clerk of the court of workers' compensation claims. The appealing party has fifteen (15) calendar days after the record is filed with the clerk of the workers' compensation appeals board to file a brief. A brief in response, if any, must be filed within fifteen (15) calendar days of the filing of the appellant's brief. No later than forty-five (45) calendar days after oral argument conducted pursuant to bureau rules or the expiration of the fifteen-day period for a responsive brief to be filed, whichever is later, the workers' compensation appeals board shall issue a decision affirming, reversing, modifying the compensation order; remanding the case; or any combination thereof. For purposes of further appellate review, the workers' compensation appeals board must, if appropriate, certify as final the order of the court of workers' compensation claims as affirmed, reversed, modified, or remanded. The decision of the workers' compensation appeals board is appealable to the Tennessee Supreme Court as provided for in the Tennessee Rules of Appellate Procedure. If a compensation order is timely appealed to the workers' compensation appeals board, the order issued by the workers' compensation judge must not become final, as provided in § 50-6-239(c)(7), until the workers' compensation appeals board issues a written decision certifying the order as a final order.

SECTION 8. Tennessee Code Annotated, Section 50-6-233(b), is amended by deleting the subsection and redesignating the existing subsections accordingly.

SECTION 9. Tennessee Code Annotated, Section 50-6-244, is amended by deleting any reference to "department" and substituting instead the language "bureau", and is further amended by deleting subsection (b) and substituting instead the following:

(b)(1) A statistical data form must be filed for every workers' compensation matter that is concluded by trial or settlement. Settlement includes a settlement for initial benefits, a settlement for increased benefits, and a settlement for closure of future medical benefits that remained open pursuant to a prior order, even if a statistical data form was filed at the time of submission of the prior order.

(2) The bureau shall seek written comment on substantive changes to the statistical data form from the advisory council on workers' compensation. The administrator shall submit the proposed form to the commerce and labor committee of the senate and the consumer and human resources committee of the house of representatives, together with any written comments of the advisory council on workers' compensation, thirty (30) days prior to submission of a proposed rule to the attorney general and reporter.

(3) If the administrator or the administrator's designee determines that an employer or employer's agent fails to fully complete and timely file the statistical data form within ten (10) business days of the date of a

compensation hearing order, the bureau may assess a civil penalty against the offending party of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per violation.

SECTION 10. Tennessee Code Annotated, Section 50-6-405, is amended by adding the following language as a new subsection:

() Any employer of a construction services provider, as defined in § 50-6-901 shall, upon request by the bureau, provide proof of valid workers' compensation insurance coverage at the employer's place of business and at job sites where the employer is providing construction services. Failure to provide proof of valid workers' compensation insurance coverage within one (1) business day of the request may result in a penalty of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500) per violation for any initial violation at the discretion of the administrator or administrator's designee, and not less than fifty dollars (\$50.00) nor more than five thousand dollars (\$5,000) per violation for subsequent violations. The administrator has discretion in determining acceptable proof of coverage, including electronic proof of coverage, taking into account standard insurance industry practices. Insurers shall advise policy holders who are construction services providers regarding the availability of electronic downloads of policy information to facilitate field inspection of proof of workers' compensation coverage.

SECTION 11. Tennessee Code Annotated, Section 50-6-905, is amended by adding the following as a new subsection:

() Any person or representative of an entity who knowingly enters or directs a party to enter false or unauthorized information on a construction services provider's application to the secretary of state may be subject to a fine of not less than fifty dollars (\$50.00) nor more than five thousand dollars (\$5,000) per violation at the discretion of the administrator or administrator's designee.

SECTION 12. This act shall take effect on becoming a law, the public welfare requiring it, and Sections 9, 10, and 11 of this act shall apply to violations that occur on and after the effective date of this act.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1214**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tracy, Watson, Yager, Yarbro and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

MONDAY, APRIL 17, 2017 -- 26TH LEGISLATIVE DAY

Senator Massey moved that **Senate Bill No. 1224** be referred to the Committee on Finance, Ways and Means, which motion prevailed.

Senate Bill No. 1267 -- Financial Institutions, Dept. of -- As introduced, requires the department to consult with financial service providers, the Tennessee commission on aging and disability, and the department of human services to consider ways in which the entities can collaborate to promote education and awareness of the dangers to vulnerable adults of financial exploitation and financial theft and explore preventative measures that can be taken by vulnerable adults to avoid such dangers. Amends TCA Title 39; Title 45; Title 47, Chapter 30; Title 48, Chapter 1 and Title 71, Chapter 6.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 45, Chapter 2, is amended by adding the following as a new part:

45-2-2201.

This part shall be known and may be cited as the "Elderly and Vulnerable Adult Financial Exploitation Prevention Act."

45-2-2202.

(a) As used in this part, unless the context otherwise requires:

(1) "Account" means funds or assets held by a financial service provider, including, but not limited to, a deposit account, savings account, share account, certificate of deposit, trust account, IRA, guardianship or conservatorship account, investment or securities account, retirement account, or loan or extension of credit;

(2) "Department" means the department of financial institutions unless otherwise designated in this part;

(3) "Elderly adult" means a person sixty-five (65) years of age or older;

(4) "Financial exploitation" means the unlawful appropriation or use of an elderly or vulnerable adult's property, as defined in § 39-11-106(a), for one's own benefit or that of a third party;

(5) "Financial service provider" means any of the following engaged in or transacting business in this state:

(A) A state or national bank or trust company;

(B) A state or federal savings and loan association;

(C) A state or federal credit union;

(D) An industrial loan and thrift company, regulated by chapter 5 of this title;

(E) A money transmitter, regulated by chapter 7, part 2 of this title;

(F) A check casher, regulated by chapter 18 of this title;

(G) A mortgage loan lender, mortgage loan broker, mortgage loan originator, or mortgage loan servicer, regulated by chapter 13 of this title;

(H) A title pledge lender, regulated by chapter 15 of this title;

(I) A deferred presentment services provider, regulated by chapter 17 of this title;

(J) A flex loan provider, regulated by chapter 12 of this title; or

(K) A home equity conversion mortgage lender, regulated by title 47, chapter 30;

(6) "Financial transaction" means any of the following as applicable to the business or services provided by a financial service provider:

(A) A transfer or request to transfer or disburse funds or assets in an account;

(B) A request to initiate a wire transfer, initiate and automated clearing house (ACH) transfer, or issue a money order, cashier's check, or official check;

(C) A request to negotiate a check or other negotiable instrument;

(D) A request to change the ownership of an account;

(E) A request to sell or transfer securities or other assets if the person selling or transferring the securities or assets is not required to register pursuant to title 48, chapter 1, part 1;

(F) A request for a loan, extension of credit, or draw on a line of credit; or

(G) A request to transfer the title to any real property, or the title of any motor vehicle or mobile home, or to encumber such real property, motor vehicle, or mobile home;

(7) "Law enforcement agency" means a district attorney general, municipal police department, county sheriff, the Tennessee bureau of investigation, United States attorney, FBI, secret service, or other federal law enforcement agency; and

(8) "Vulnerable adult" means a person eighteen (18) years of age or older who, because of mental or physical dysfunction, is unable to fully manage the person's own resources, carry out all or a portion of the activities of daily living, or is unable to fully protect against neglect, exploitation, or hazardous or abusive situations without assistance from others.

45-2-2203.

(a) If a financial service provider has reasonable cause to suspect that financial exploitation may have occurred, may have been attempted, or is being attempted, the financial service provider may, but is not required to, refuse a financial transaction or delay a financial transaction on an account:

(1) Of the elderly or vulnerable adult;

(2) On which the elderly or vulnerable adult is a beneficiary, including a trust, guardianship, or conservatorship account; or

(3) Of a person suspected of perpetrating financial exploitation.

(b)(1) A financial service provider may also refuse a financial transaction or delay a financial transaction under this section if the department of human services or a law enforcement agency provides information to the financial service provider demonstrating that it is reasonable to believe that financial exploitation may have occurred, may have been attempted, or is being attempted.

(2) Except as ordered by a court, a financial service provider is not required to refuse a financial transaction or delay a financial transaction when provided with information by the department of human services or a law enforcement agency alleging that financial exploitation may have occurred, may have been attempted, or is being attempted, but may use its discretion to determine whether to refuse a financial transaction or hold a financial transaction based on the information available to the financial service provider.

(c) A financial service provider that refuses a financial transaction or holds a financial transaction based on reasonable cause to suspect that financial exploitation may have occurred, may have been attempted, or is being attempted shall:

(1) Except with regard to an account administered by a bank or trust company in a fiduciary capacity, make a reasonable effort to notify one (1) or more parties authorized to transact business on the account orally or in writing; and

(2) Report the incident, if it involves financial exploitation, to the department of human services adult protective services division, as provided in § 71-6-103.

(d) No notice under this section shall be required to be provided to any party authorized to conduct business on the account if the party is the suspected perpetrator of financial exploitation.

(e) Any refusal by a financial service provider to conduct a financial transaction or hold a financial transaction as authorized by this section based on the financial service provider's reasonable cause to suspect that financial exploitation may have occurred, may have been attempted, or is being attempted expires upon the earlier of:

(1) Ten (10) business days after the date on which the financial service provider first refused or held the financial transaction unless earlier terminated by an order of a court of competent jurisdiction, if the transaction involved the sale of a security or offer to sell a security and the person selling or offering to sell is not required to register pursuant to title 48, chapter 1, part 1;

(2) Five (5) business days after the date on which the financial service provider first refused a financial transaction or held the financial transaction, if the transaction did not involve the sale of a security or offer to sell a security, unless earlier terminated by an order of a court of competent jurisdiction;

(3) The time when the financial service provider reasonably believes that the financial transaction will not result in financial exploitation; or

(4) The time when the customer requesting the transaction has been advised of a potential risk in the transaction and the customer has requested the transaction to continue as long as the customer is not the suspected perpetrator of financial exploitation.

(f) A financial service provider may extend the time permitted in this section to refuse a financial transaction or hold a financial transaction based on a reasonable belief that additional time is needed to investigate the financial transaction or to prevent financial exploitation.

(g) Notwithstanding subsection (e), a court of competent jurisdiction may enter an order extending the time that a financial service provider must refuse a financial transaction or hold a financial transaction based on reasonable cause to suspect that financial exploitation may have occurred, may have been attempted, or is being attempted.

(h) A financial service provider, or an employee of a financial service provider, is immune from all criminal, civil, and administrative liability:

(1) For refusing or not refusing a financial transaction, or holding or not holding a financial transaction under this section; or

(2) For actions taken in furtherance of the determination made under subdivision (h)(1) if the determination was based upon a reasonable belief.

45-2-2204.

(a) A financial service provider may offer to an elderly or vulnerable adult the opportunity to submit and periodically update a list of persons that the elderly or vulnerable adult authorizes the financial service provider to contact when the financial service provider has reasonable cause to suspect that the adult is a victim or a target of financial exploitation.

(b) Notwithstanding subsection (a), a financial service provider, or an officer or employee of the financial service provider, that has reasonable cause to suspect that an elderly or vulnerable adult is the victim or target of financial exploitation may convey the suspicion to one (1) or more of the following, provided that the person is not the suspected perpetrator:

(1) Persons on the list described in subsection (a), if a list has been provided by the elderly or vulnerable adult;

(2) A co-owner, additional authorized signatory, or beneficiary on the elderly or vulnerable adult's account; or

(3) A person known by the financial service provider to be a family member, including a parent, adult child, or sibling.

(c) When providing information under this section, the financial service provider may limit the information and disclose only that the financial service provider has reasonable cause to suspect that the elderly or vulnerable adult may be a victim or target of financial exploitation without disclosing any other details or confidential personal information regarding the financial affairs of the elderly or vulnerable adult.

(d) The financial service provider may choose not to contact one (1) or more persons on the list provided pursuant to subsection (a) if the financial service provider suspects that the person or persons are engaged in financial exploitation.

(e) The financial service provider may rely on information provided by the customer in compiling a list of contact persons.

(f) A financial service provider, or an employee of a financial service provider, is immune from all criminal, civil, and administrative liability for

contacting a person or electing not to contact a person under this section and for actions taken in furtherance of that determination if the determination was made based on reasonable belief.

(g) Contact with any person, and any information provided under this section, is exempt from the customer consent and customer notice provisions in §§ 45-10-105 and 45-10-106.

45-2-2205.

(a) A financial service provider may refuse to accept an acknowledged power of attorney if the financial service provider has reasonable cause to suspect that the principal is or may be the victim or target of financial exploitation by the agent or person acting for or with the agent.

(b) A financial service provider, or an employee of a financial service provider, is immune from all criminal, civil, and administrative liability for refusing to accept a power of attorney or for accepting a power of attorney under this section and for actions taken in furtherance of that determination if the determination was based upon reasonable belief.

45-2-2206.

It is the intent of the general assembly in adopting this part to allow financial service providers the discretion to take actions to assist in detecting and preventing financial exploitation without liability. The general assembly recognizes that financial service providers are in a unique position by conducting financial transactions on behalf of and at the request of their customers. Financial service providers have duties imposed by contract and duties imposed by both federal and state law to conduct financial transactions requested by their customers faithfully and timely in accordance with the customer's instructions. Further, financial service providers do not have a duty to contravene the valid instructions of their customers, nor to prevent criminal activity directed at their customers, and nothing in this part creates such a duty.

SECTION 2. Tennessee Code Annotated, Section 45-10-103(8), is amended by deleting the semicolon and adding the following language at the end of the subdivision:

, if the subpoena shows on its face that it is in compliance with:

(A) The notice requirements of § 45-10-106;

(B) The delay provisions of § 45-10-117; or

(C) An administrative subpoena issued by the department of human services pursuant to § 45-10-115;

SECTION 3. Tennessee Code Annotated, Title 45, Chapter 10, is amended by adding the following as a new section:

(a) A financial institution shall provide access to or copies of records that are relevant to suspected actual or attempted financial exploitation, as defined in § 45-2-2202, in response to an administrative subpoena that satisfies the requirements of § 45-10-103(8) issued by the department of human services, adult protective services as provided in § 71-6-103(j)(4)(A). The records requested pursuant to this subsection (a) must be limited to historical records as well as records relating to the most recent transaction or transactions that may comprise financial exploitation not to exceed thirty (30) calendar days prior to the first transaction that was reported, or thirty (30) calendar days after the last transaction that was reported.

(b) The administrative subpoena and records provided under this section are exempt from the customer consent and customer notice requirements of §§ 45-10-105 and 45-10-106.

(c) A financial institution has up to fourteen (14) business days to respond to an administrative subpoena described in subsection (a).

(d) The department of human services must provide notice to the customer whose records are requested pursuant to subsection (a) not later than thirty (30) days after receipt of the records from the financial institution. However, the department may delay the notice to the customer by seeking a judicial delay pursuant to § 45-10-117.

SECTION 4. Tennessee Code Annotated, Section 45-10-109, is amended by deleting the words "internal revenue service" and by inserting the words "financial institution's published fee schedule".

SECTION 5. Tennessee Code Annotated, Section 45-2-704(a)(5), is amended by deleting the second sentence and substituting instead the following:

A bank initiating, joining in, joined into, or defending in any manner, an interpleader action shall be entitled to recover from the funds tendered or offered to be tendered the costs of the action, including reasonable attorneys' fees.

SECTION 6. The Department of Financial Institutions is encouraged, within existing public or private resources, to consult with financial service providers as defined in this act, the Tennessee Commission on Aging and Disability, and the Department of Human Services to consider distributing public education and information to alert the public to the dangers posed to elderly and vulnerable adults by financial exploitation.

SECTION 7. This act shall take effect July 1, 2017, the public welfare requiring it. Section 1 of this act shall be repealed on June 30, 2022.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1267**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

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Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senate Bill No. 1283 -- Public Employees -- As introduced, changes from three days to three business days the amount of time between the deduction from the salaries of participating county employees and officials of an amount sufficient to pay the county's portion of insurance premiums and the deposit of such moneys into the county insurance fund. Amends TCA Title 8.

On motion, Senate Bill No. 1283 was made to conform with **House Bill No. 922**.

On motion, House Bill No. 922, on same subject, was substituted for Senate Bill No. 1283.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 922** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senate Resolution No. 32 -- General Assembly, Confirmation of Appointment -- David Shepard, University of Tennessee Board of Trustees.

Senate Resolution No. 32 was adopted by the following vote:

Ayes	27
Noes	0
Present, not voting ...	1

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Norris, Overbey, Roberts, Tate, Tracy, Yager, Yarbrow and Mr. Speaker McNally--27.

Senator present and not voting was: Gresham--1.

A motion to reconsider was tabled.

Senate Resolution No. 34 -- General Assembly, Confirmation of Appointment -- Joey Hatch, Tennessee Board of Regents.

Senate Resolution No. 34 was adopted by the following vote:

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Ayes 24
Noes 3

Senators voting aye were: Bailey, Beavers, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Haile, Harper, Harris, Jackson, Johnson, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Tate, Tracy, Watson, Yarbrow and Mr. Speaker McNally--24.

Senators voting no were: Gresham, Hensley and Kelsey--3.

A motion to reconsider was tabled.

Senator Harris moved that **Senate Bill No. 669** be placed on the Calendar for Thursday, April 20, 2017, which motion prevailed.

Senate Bill No. 875 -- Taxes, Hotel/Motel -- As introduced, clarifies that a municipality may adopt more than one ordinance to impose a hotel tax if the aggregate total tax does not exceed 5 percent. Amends TCA Title 67, Chapter 4, Part 14.

On motion, Senate Bill No. 875 was made to conform with **House Bill No. 589**.

On motion, House Bill No. 589, on same subject, was substituted for Senate Bill No. 875.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-1402(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2) Notwithstanding subdivision (a)(1), a municipality with a population of more than six hundred ten thousand (610,000), according to the 2010 federal census or any subsequent federal census, is authorized to levy by one (1) or more ordinances a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed an aggregate of five percent (5%) of the consideration charged by the operator.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 589**, as amended, passed its third and final consideration by the following vote:

Ayes 26
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--26.

A motion to reconsider was tabled.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 390 -- Alcoholic Beverages -- As introduced, designates the Sewanee Inn in Franklin County as a premier type tourist resort for the purposes of on-premises consumption of alcoholic beverages. Amends TCA Section 57-4-102.

HOUSE AMENDMENT NO. 2

AMEND by inserting the following new section immediately preceding the last section and renumbering the last section accordingly:

SECTION _____. Tennessee Code Annotated, Section 57-4-102(26), is amended by adding the following as a new subdivision:

() (i) A commercially operated facility having all of the following characteristics:

(a) The facility has approximately sixty-one thousand square feet (61,000 sq. ft.) of interior space;

(b) The facility is located not more than six thousand feet (6,000') southwest of a federal interstate highway and not more than two hundred feet (200') west of a federal highway;

(c) The property that the facility is located on is not less than five hundred seventy-five feet (575') and not more than six hundred fifteen feet (615') above sea level;

(d) The facility was originally constructed in 2017;

(e) The facility has one (1) permanent structure containing five (5) stories and includes at least one (1) commercial kitchen, an atrium with a glass ceiling having a height of at least thirty feet (30') with live trees, and a rooftop deck with table service;

(f) The facility is located in or adjacent to a commercial real estate development containing approximately one hundred (100) specialty stores and eateries, and a movie theater;

(g) The facility is located within one hundred feet (100') of a commercial bank that is a member of the federal deposit insurance corporation;

(h) The facility is approximately one thousand eight hundred twenty feet (1,820') to the northeast of Sugartree Creek;

(i) The facility is approximately four hundred seventy feet (470') to the northwest of the main building of a public high school that was originally constructed before 1939;

(j) The facility is approximately one thousand four hundred fifty feet (1,450') to the southwest of a public library that was originally constructed before 2000;

(k) The facility is located within a county with a metropolitan form of government having a population of not less than six hundred thousand (600,000), according to the 2010 federal census or any subsequent federal census; and

(l) The facility must not discriminate against any patron on the basis of age, gender, race, religion, or national origin.

(ii) The premises of any facility licensed under this subdivision (26)() means any or all of the property that constitutes the facility. A licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing;

Senator Bowling moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 390**.

Senator Bowling moved that **Senate Bill No. 390** be moved three places down on the Message Calendar for today, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 707 -- Industrial Development -- As introduced, requires the clerk or other recording official of the municipality to transmit to the appropriate assessors of property and to each taxing agency to be affected by an economic impact plan, a copy of the description of all property within the area subject to the plan within 30 days after its approval. Amends TCA Title 7, Chapter 53 and Title 67, Chapter 5.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 53, Part 3, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Local government" means any home rule municipality; and

(2) "Remediation site" means a site containing at least one thousand three hundred (1,300) acres that have been held by the United States department of energy due to an extended period of environmental remediation and conveyed by the United States department of energy to a nonprofit entity that is recognized as tax exempt by the internal revenue service and engaged in economic development.

(b) Upon receiving all authorizations required by this chapter, on or after July 1, 2017, any and all parcels of property located on a remediation site in a local government may be transferred to the industrial development board of the local

government consistent with the terms of the conveyance. The industrial development board is authorized to sell, lease, dispose of, or contract for the operation of the property in furtherance of the public purpose of promoting economic development in that area.

(c) Upon transfer of the parcels to the industrial development board as provided in subsection (b), a lawful management or lease agreement shall be executed between the industrial development board and the nonprofit entity described in subdivision (a)(2), in which the United States department of energy's intent is clearly memorialized, including a provision that the nonprofit entity shall manage the remediation site and shall market the parcels to potential buyers in order to provide substantial sources of tax revenue or economic activity to the local government and to induce private enterprises to locate or remain in the area.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Yager moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 707**, which motion prevailed by the following vote:

Ayes	27
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Briggs, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--27.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 844 -- Judicial Officers -- As introduced, establishes the position of domestic abuse magistrate for Knox County to issue orders of protection, hear order of protection violations, set bail and bail conditions, and perform other duties assigned by the circuit court judge of the 4th division who is also the appointing judge. Amends TCA Section 40-1-111.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-1-111, is amended by adding the following as a new subsection:

(h)(1) In any county having a population of not less than four hundred thirty-two thousand two hundred (432,200) nor more than four hundred thirty-two thousand three hundred (432,300), according to the 2010 federal census or any subsequent federal census, there is created the position of domestic abuse magistrate.

(2) Notwithstanding any other law to the contrary, the domestic abuse magistrate created by this subsection (h) shall be appointed by the judge of the fourth circuit court of any such county and shall hold office for a term of

eight (8) years from the date of appointment. The magistrate shall be eligible for reappointment to successive eight-year terms and shall be compensated from the general fund of the county in an amount to be determined by the county legislative body. Upon making a selection, the judge shall reduce the appointment to writing and file it with the fourth circuit court clerk of any county to which this subsection (h) applies. The domestic abuse magistrate, once appointed, shall regularly perform the duties set out in this subsection (h) within the approximate time period that the fourth circuit court begins and ends its daily docket, and the magistrate shall be styled as magistrate judge.

(3) To qualify for the position of domestic abuse magistrate, the applicant must:

(A) Be at least thirty (30) years of age;

(B) Be a resident of the county funding the position;

(C) Be an attorney, licensed to practice law in the courts of the state of Tennessee; and

(D) Have served as a judicial commissioner or magistrate pursuant to subsection (a) for at least a full four-year term prior to application.

(4) No person who is a judicial commissioner under subsection (a) or a magistrate under subsection (g) prior to the appointment of the domestic abuse magistrate may simultaneously hold that position and the position of domestic abuse magistrate under this subsection (h).

(5) For purposes of:

(A) Title 36, chapter 3, part 6, the domestic abuse magistrate shall be considered a "court" as defined in § 36-3-601(3)(A) and (D), and shall have all jurisdiction and authority necessary to serve in that function for the employing county; and

(B) Title 40, chapter 5, part 1, the domestic abuse magistrate shall be considered a "magistrate" as defined in § 40-5-102, and shall have all of the jurisdiction and authority necessary to serve in that function for the employing county, and the domestic abuse magistrate shall complete the judicial continuing education requirements of subsection (f) in the same manner as a judicial commissioner.

(6) The domestic abuse magistrate shall have, regardless of whether the case involves alleged domestic abuse, the following duties pursuant to this chapter, the Tennessee Rules of Civil Procedure, the Tennessee Rules of Criminal Procedure, and applicable statutes:

(A) Those conferred upon a court by title 36, chapter 3, part 6;

(B) Issuing or denying temporary or ex-parte orders of protection;

(C) Setting and approving bond in cases of civil and criminal contempt for alleged violations of orders of protection;

(D) Issuing injunctions and other appropriate orders in cases of alleged domestic violence;

(E) Setting and approving of bonds and release on recognizance of defendants in accordance with applicable law;

(F) Issuing mittimus in compliance with § 40-5-103;

(G) Issuing criminal arrest warrants, criminal summons, and search warrants upon a finding of probable cause;

(H) Appointing attorneys for indigent defendants and respondents in accordance with applicable law;

(I) Conducting initial appearances in accordance with Rule 5 of the Tennessee Rules of Criminal Procedure;

(J) Setting and approving bond for probation violation warrants;

(K) Issuing attachments, capias, or conditional bond forfeitures;

(L) Conducting compliance review dockets to examine and report to the appropriate judge any findings and conclusions regarding compliance with court orders;

(M) Conducting initial appearances for any defendant following arrest for a crime involving domestic abuse when conducted pursuant to the requirements imposed by § 36-3-602(c); and

(N) Any other judicial duty not prohibited by the constitution, statute, or applicable rules, when requested by a judge.

(7) If the domestic abuse magistrate is carrying out one (1) of the duties of the office under this subsection (h), the failure to appear before the magistrate constitutes failure to appear and shall subject the defendant or respondent to arrest and forfeiture of bond.

(8) If the appointed domestic abuse magistrate is absent or unavailable for any reason, the magistrate has the authority to appoint special, substitute, or temporary magistrates to carry out the duties of this section. A substitute magistrate shall be an attorney, licensed to practice law in the courts of this state, a resident of the county of the appointing domestic abuse magistrate, and not less than thirty (30) years of age. An order of appointment for a special, substitute, or temporary magistrate shall be for a fixed period of time and shall be reduced to writing and filed with the fourth circuit court clerk.

(9) The domestic abuse magistrate may also accept appointment by the judge of the fourth circuit court to serve as a special master to the fourth circuit court for any purpose established by the judge. The appointment may be made by the judge at the same time as the appointment to the position of domestic abuse magistrate, or at any time during the magistrate's term.

SECTION 2. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Briggs moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 844**, which motion prevailed by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tracy, Watson, Yager, Yarbro and Mr. Speaker McNally--28.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1012 -- Students -- As introduced, allows a student to be excused from a school athletic event if the event occurs on a school holiday, the weekend, or a religious holiday and the parent or legal guardian provides prior written notice of the student's absence; authorizes an unforeseen emergency as exception to the parent or legal guardian providing prior written notice of the student's absence from the athletic event. Amends TCA Section 49-6-1002.

HOUSE AMENDMENT NO. 1

AMEND by deleting the language "official school holiday, weekend, or religious holiday" from the amendatory language of Section 1 and substituting instead the language "official school holiday, observed day of worship, or religious holiday".

Senator Gardenhire moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1012**, which motion prevailed by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tracy, Watson, Yager, Yarbro and Mr. Speaker McNally--28.

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A motion to reconsider was tabled.

FURTHER ACTION ON SENATE BILL NO. 390

Senator Bowling moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 390**, which motion prevailed by the following vote:

Ayes	22
Noes	2
Present, not voting . . .	1

Senators voting aye were: Bailey, Bowling, Briggs, Dickerson, Gardenhire, Gresham, Harper, Harris, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Yager, Yarbrow and Mr. Speaker McNally--22.

Senators voting no were: Beavers and Hensley--2.

Senator present and not voting was: Bell--1.

A motion to reconsider was tabled.

MOTION

On motion of Senator Bell, his name was added as sponsor of **Senate Bill No. 41**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Bill No. 172**; and **Senate Joint Resolution No. 314**.

On motion of Senator Bailey, his name was added as sponsor of **Senate Bill No. 298**; and **House Joint Resolution No. 254**.

On motion of Senators Haile and Harris, their names were added as sponsors of **Senate Bill No. 429**.

On motion of Senator Yarbrow, his name was added as sponsor of **Senate Bill No. 489**.

On motion of Senators Jackson, Overbey, Roberts and Tate, their names were added as sponsors of **Senate Bill No. 553**.

On motion of Senators Bailey, Bowling, Briggs and Stevens, their names were added as sponsors of **Senate Bill No. 704**.

On motion of Senator Harris, his name was added as sponsor of **Senate Bill No. 1040**.

On motion of Senators Bailey, Crowe, Gresham and Roberts, their names were added as sponsors of **Senate Bill No. 1152**.

On motion of Senator Gresham, her name was added as sponsor of **Senate Bill No. 1180**.

On motion of Senators Niceley, Roberts and Stevens, their names were added as sponsors of **Senate Bill No. 1192**.

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On motion of Senators Harper, Ketron, Kyle, Niceley, Overbey, Roberts, Stevens, Tate, Tracy, Watson and Yarbrow, their names were added as sponsors of **Senate Bill No. 1267**.

On motion of Senators Haile, Harris, Kyle and Mr. Speaker McNally; and Senators Overbey and Yarbrow, their names were added as sponsors of **Senate Resolution No. 32**.

On motion of Senator Harper, her name was added as sponsor of **House Joint Resolutions Nos. 252 and 262**.

On motion of Senator Hensley, his name was added as sponsor of **House Joint Resolution No. 253**.

On motion of Senators Bailey and Yager, their names were added as sponsors of **House Joint Resolution No. 255**.

On motion of Senator Green, his name was added as sponsor of **House Joint Resolution No. 259**.

ENGROSSED BILLS

April 17, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bills Nos. 298, 311, 330, 429, 489, 523, 571, 597, 704, 796, 897, 970, 1060, 1168, 1192, 1209, 1214 and 1267; and Senate Joint Resolution No. 314; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 44, 322, 383, 439, 649, 689, 762, 781, 782, 873, 1013, 1017, 1338, 1423, 1425 and 1429; passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336 and 337; adopted, for the Senate's action.

TAMMY LETZLER,
Chief Clerk

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MESSAGE FROM THE HOUSE

April 17, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 154, 305, 449, 565, 596, 680, 818, 848, 997, 1188 and 1194; substituted for House Bills on same subjects and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 17, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 240, 361, 837, 924 and 1246; substituted for House Bills on same subjects and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 17, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 35, 83, 295, 296, 297, 298, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311 and 312; concurred in by the House.

TAMMY LETZLER,
Chief Clerk

ENROLLED BILLS

April 18, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 154, 240, 305, 361, 390, 449, 565, 596, 680, 707, 818, 837, 844, 848, 924, 997, 1188, 1194 and 1246; Senate Joint Resolutions Nos. 35, 83, 295, 296, 297, 298, 300, 301, 304, 305, 306, 307, 308, 309, 310, 311 and 312; and Senate Resolutions Nos. 32 and 34; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk

ENROLLED BILLS

April 18, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 302 and 303, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk

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MESSAGE FROM THE HOUSE

April 17, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 34, 147, 578, 644, 872, 1103, 1161, 1419, 1420 and 1422; for the signature of the Speaker.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 17, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250 and 251; for the signature of the Speaker.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 252, 253, 254, 255, 256, 257, 258, 259, 260, 261 and 262; for the signature of the Speaker.

TAMMY LETZLER,
Chief Clerk

SIGNED

April 17, 2017

The Speaker announced that he had signed the following: Senate Bills Nos. 24, 116, 256, 389, 665, 676, 1238 and 1322.

SIGNED

April 17, 2017

The Speaker announced that he had signed the following: House Bills Nos. 29, 77, 150, 527, 577, 636, 733 and 1392.

SIGNED

April 17, 2017

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250 and 251.

SIGNED

April 18, 2017

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 302 and 303.

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SIGNED

April 18, 2017

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 35, 83, 295, 296, 297, 298, 300, 301, 304, 305, 306, 307, 308, 309, 310, 311 and 312; and Senate Resolutions Nos. 32 and 34.

SIGNED

April 18, 2017

The Speaker announced that he had signed the following: House Bills Nos. 34, 147, 578, 644, 872, 1103, 1161, 1419, 1420 and 1422.

MESSAGE FROM THE HOUSE

April 17, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 24, 116, 256, 389, 665, 676, 1238 and 1322; signed by the Speaker.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 302 and 303, signed by the Speaker.

TAMMY LETZLER,
Chief Clerk

REPORT OF DEPUTY CHIEF CLERK

April 18, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 24, 116, 256, 389, 665, 676, 1238 and 1322; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk

REPORT OF DEPUTY CHIEF CLERK

April 18, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 302 and 303, for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk

MONDAY, APRIL 17, 2017 -- 26TH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

April 17, 2017

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 20, 159, 195, 198, 231, 238, 273, 274, 281, 286, 293, 428, 433, 506, 510, 575, 611, 677, 693, 695, 819, 823, 1187, 1191, 1195, 1211, 1305, 1318 and 1353; with his approval.

DWIGHT E. TARWATER,
Counsel to the Governor

MESSAGE FROM THE GOVERNOR

April 18, 2017

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 302 and 303, with his approval.

DWIGHT E. TARWATER,
Counsel to the Governor

**REPORT OF COMMITTEE ON CALENDAR
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Wednesday, April 19, 2017: Senate Bill No. 442; and House Bills Nos. 16 and 671.

This the 17th day of April, 2017
MASSEY, Chairperson

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 20, 2017: Senate Joint Resolutions Nos. 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330 and 331; Senate Resolutions Nos. 59, 60, 61, 62, 63, 64, 65, 66 and 67; and House Joint Resolutions Nos. 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286 and 287.

This the 18th day of April, 2017
MASSEY, Chairperson

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 20, 2017: Senate Bills Nos. 50, 1082, 1203 and 1204.

This the 18th day of April, 2017
MASSEY, Chairperson

MONDAY, APRIL 17, 2017 -- 26TH LEGISLATIVE DAY

**REPORT OF COMMITTEE ON CALENDAR
LOCAL CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Thursday, April 20, 2017: Senate Bills Nos. 1429, 1435, 1436 and 1442.

This the 18th day of April, 2017
MASSEY, Chairperson

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 20, 2017: Senate Bills Nos. 134, 196, 315, 454, 468, 550, 605, 644, 703, 729, 748, 783, 786, 852, 853, 907, 1039, 1100, 1182, 1302, 1362, 327, 520, 587, 631, 669, 733, 788, 790 and 1152.

This the 18th day of April, 2017
MASSEY, Chairperson

ADJOURNMENT

Senator Norris moved the Senate adjourn until 2:00 p.m., Wednesday, April 19, 2017, which motion prevailed.